

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

Bismarck, February 4, 2003

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor Dom Vetter, Word of Faith Church, Bismarck.

The roll was called and all members were present except Senator Nelson.

A quorum was declared by the President.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Committees (Sen. Stenehjem, Chairman) announces the appointment of Sens. Dever, Andrist, and Christenson to the Senate Memorial Committee.

SEN. STENEHJEM MOVED that the report be adopted, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended and after action taken on the Sixth order, all bills on that order be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2212: SEN. BERCIER (Judiciary Committee) MOVED that the amendments on SJ pages 197-198 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2212: A BILL for an Act to amend and reenact section 12.1-20-08, subsection 1 of section 12.1-20-12.1, subsection 8 of section 27-20-02, subsection 2 of section 50-25.1-02, and section 50-25.1-03.1 of the North Dakota Century Code, relating to the crimes of fornication and indecent exposure, definition of deprived child, and child abuse and neglect reporting requirements; to provide a penalty; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2212 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2030: SEN. EVERY (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 208 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2030: A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to a department of commerce career guidance and job opportunities internet web site; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2030 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2127: SEN. EVERY (Natural Resources Committee) MOVED that the amendments on SJ page 209 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2127: A BILL for an Act to amend and reenact section 24-03-08 of the North Dakota Century Code, relating to determinations of surface water flow and appropriate highway construction.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2127 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2150: SEN. ESPEGARD (Transportation Committee) MOVED that the amendments on SJ page 209 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2150: A BILL for an Act to create and enact two new sections to chapter 39-06.2 of the North Dakota Century Code, relating to furnishing driving record information and to records of imminent hazard disqualification of commercial drivers; and to amend and reenact subsection 67 of section 39-01-01 and sections 39-06.2-02 and 39-06.2-10 of the North Dakota Century Code, relating to definitions and disqualification of commercial motor vehicle operators.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2150 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2192: SEN. DEVER (Judiciary Committee) MOVED that the amendments on SJ page 209 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2192: A BILL for an Act to create and enact a new subsection to section 57-40.6-01 of the North Dakota Century Code, relating to the definition of automated notification system; and to amend and reenact section 57-40.6-08 of the North Dakota Century Code, relating to liability for emergency services communication systems.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espesgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2192 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2198: SEN. ERBELE (Agriculture Committee) MOVED that the amendments on SJ pages 209-210 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2198: A BILL for an Act to amend and reenact sections 36-14-04.1, 36-25-01, and 36-25-10 of the North Dakota Century Code, relating to certificates of veterinary inspection and farmed elk; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espesgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2198 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2113: A BILL for an Act to create and enact a new section to chapter 64-04 of the North Dakota Century Code, relating to restrictions on the commercial sale of anhydrous ammonia; and to amend and reenact sections 64-04-02 and 64-04-03 of the North Dakota Century Code, relating to testing of anhydrous ammonia weighing and measuring devices, and agriculture commissioner licensing authority of anhydrous ammonia vendors.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Nelson

SB 2113 lost.

SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act to provide restrictions on the information a business may include on an electronically printed credit card receipt.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Nelson

SB 2037 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2111: A BILL for an Act to amend and reenact section 19-20.2-03 of the North Dakota Century Code, relating to licensing of anhydrous ammonia facilities.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Nelson

SB 2111 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2151: A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to transferring the state crime laboratory division including the state toxicologist to the office of the attorney general and to provide for transfer of related administrative rules; to amend and reenact sections 19-01-10 and 19-03.1-37, subsection 2 of section 28-32-01, sections 31-13-01, 31-13-03, 31-13-04, 31-13-05, 31-13-07, 31-13-08, and 31-13-09, and subsection 9 of section 39-20-07 of the North Dakota Century Code, relating to the state crime laboratory, the state

toxicologist, and DNA testing; and to repeal sections 12-60-21, 12-60-22, and 23-01-09.1 of the North Dakota Century Code, relating to the bureau of criminal investigation and the state toxicologist; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espesgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Nelson

SB 2151 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4005: A concurrent resolution urging the United States Secretary of Agriculture to implement a cost of production insurance pilot program.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4005 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4009: A concurrent resolution urging the United States Department of Agriculture to fully implement the conservation security program of the 2002 Farm Security and Rural Investment Act in order to assist farmers with the cost of conserving vital agricultural resources.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4009 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution urging Congress to adopt whole-farm cost of production insurance that is based on a producer's actual production cost history.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4010 was declared adopted, and the title was agreed to on a voice vote.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2130, SB 2134, SB 2168, SB 2180, SB 2196, SB 2202, SB 2229, SB 2254, SB 2270.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1092, HB 1227, HB 1237, HB 1266, HB 1283, HCR 3002, HCR 3003, HCR 3011, HCR 3012, HCR 3013, HCR 3018, HCR 3020.

MOTION

SEN. CHRISTMANN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 5, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2041: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Sixth order on the calendar.

Page 1, line 1, after the semicolon insert "to create and enact a new section to chapter 12-60 of the North Dakota Century Code, relating to federal criminal history checks;"

Page 1, line 13, after "shall" insert "approve and"

Page 3, after line 20, insert:

"SECTION 4. A new section to chapter 12-60 of the North Dakota Century Code is created and enacted as follows:

Federal criminal history checks. The bureau may file for federal processing with the federal bureau of investigation a criminal history check requested by a nonprofit organization engaged in activities involving direct contact with minors by the organization's employees, agents, or volunteers. The nonprofit organization shall pay all costs associated with the criminal history check filed with the federal bureau of investigation."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2085: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2085 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and remove "and 50-24.3-03.2"

Page 1, line 3, remove "targeted case management and"

Page 3, line 15, remove lines 15 through 23

Page 3, line 24, replace "50-24.3-03.2" with "50-24.3-03.1"

Page 4, line 1, remove "an interested party, including"

Page 4, remove lines 14 and 15

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2145: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2145 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2146: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2146 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2163, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2163 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2178: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2178 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 2-06-02 and 2-06-03 of the North Dakota Century Code, relating to the dissolution of airport authorities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 2-06-02 of the North Dakota Century Code is amended and reenacted as follows:

2-06-02. Creation of municipal airport authority - Dissolution.

1. Any municipality ~~may~~, by resolution of its governing body, may create a public body corporate and politic to be known as a municipal airport authority, which is authorized to exercise its functions upon the appointment and qualification of the first commissioners thereof; or the governing body ~~may~~ by resolution may determine to exercise any or all powers granted to such authorities in this chapter until or unless such powers are or have been conferred upon a municipal or regional airport authority. Upon the adoption of a resolution creating a municipal airport authority, the governing body of the municipality ~~shall~~, pursuant to the resolution, shall appoint five persons as commissioners of the authority. The commissioners who are first appointed are designated to serve for terms of one, two, three, four, and five years, respectively, but thereafter, each commissioner~~shall~~ must be appointed for a term of five years, except that vacancies occurring otherwise than by expiration of term must be filled for the unexpired term by the governing body.
2. After payment of all debts, a municipal airport authority may be dissolved by resolution of the governing body of the municipality. Before dissolution, the property of the airport authority either must be transferred to the municipality or sold.

SECTION 2. AMENDMENT. Section 2-06-03 of the North Dakota Century Code is amended and reenacted as follows:

2-06-03. Creation of regional airport authority - Dissolution.

1. Two or more municipalities, whether in this state or in an adjoining state, provided that at least one municipality is in North Dakota, ~~may~~ by joint resolution, may create a public body, corporate and politic, to be known as a regional airport authority which is authorized to exercise its functions upon the issuance by the secretary of state of a certificate of incorporation. The governing bodies of the municipalities participating in the creation of a regional airport authority ~~shall~~, pursuant to such joint resolution, shall appoint ~~not less than~~ at least five persons as commissioners of the regional airport authority. The number to be appointed and their representation must be provided for in the joint resolution. The term of office of each regional airport authority commissioner must be in accordance with subsection 5. Each such regional airport authority, once created, shall organize, elect officers for terms of office to be fixed by agreement, and adopt and amend from time to time rules for its own procedure not inconsistent with section 2-06-06.
2. A regional airport authority may be increased from time to time to serve one or more additional municipalities if each additional municipality and each of the municipalities then included in the regional authority and the commissioners of the regional authority, respectively, adopt a resolution consenting thereto; provided, that if a municipal airport authority for any municipality seeking to be included in the regional authority is then in existence, the commissioners of the municipal authority must consent to the inclusion of the municipality in the regional authority, and if the municipal authority has any bonds outstanding, one hundred per centum of the holders of the bonds must consent, in writing, to the inclusion of the municipality in the regional authority. Upon the inclusion of any municipality in the regional authority, all rights, contracts, obligations, and property, real and personal, of the municipal authority ~~shall~~ must be in the name of and vest in the regional authority.

3. A regional airport authority may be decreased if each of the municipalities then included in the regional authority and the commissioners of the regional authority consent to the decrease and make provisions for the retention or disposition of its assets and liabilities; provided that, if the regional authority has any bonds outstanding no decrease may be effected unless one hundred per centum of the holders of the bonds consent thereto in writing.
4. A municipality may not adopt any resolution authorized by this section without a public hearing thereon. Notice thereof must be given at least ten days prior thereto in a newspaper published in the municipality, or if there is no newspaper published therein, then in a newspaper having general circulation in the municipality.
5. All commissioners of a regional airport authority must be appointed for terms of five years each, except that a vacancy occurring otherwise than by expiration of term ~~shall~~must be filled for the unexpired term in the same manner as the original appointments.
6. After payment of all debts, a regional airport authority may be dissolved by a joint resolution of the governing bodies of the participating municipalities. Before dissolution, the property of the regional airport authority must be sold, transferred, or distributed as agreed by the participating municipalities. Any remaining funds of the regional airport authority must be distributed to the general funds of the participating municipalities in proportion to their support of the regional airport authority."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2182: Education Committee (Sen. Freborg, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2182 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2214: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2214 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "of a sum not exceeding", remove "five", and overstrike "hundred dollars"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2228: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2228 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "44-04-18.12,"

Page 1, line 2, replace "51-51-07" with "51-15-07"

Page 1, line 3, after the first "to" insert "the confidentiality of agreements between a governmental agency in another jurisdiction and the attorney general and to", remove "and", and after "penalty" insert "; and to declare an emergency"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 44-04-18.12 of the North Dakota Century Code is amended and reenacted as follows:

44-04-18.12. Cooperative investigations and litigation. A record acquired under ~~a written~~ an agreement between or involving a governmental agency in another jurisdiction and the attorney general is confidential, except for the purposes specified in the agreement, if the attorney general determines:

1. The record is necessary to further a civil investigation or litigation by the state;
2. The record can be obtained only by agreeing to keep the record confidential; and
3. The record is treated as confidential by the provider of the records."

Page 2, line 3, overstrike "any of the provisions of" and insert immediately thereafter "by other provisions of law, including"

Page 2, line 4, overstrike "that an investigation should be made to"

Page 2, line 5, overstrike "ascertain" and insert immediately thereafter "to investigate"

Page 2, line 6, after "under" insert "this chapter or other provisions of law, including"

Page 2, line 16, replace "therof" with "thereof"

Page 2, line 23, after the first "or" insert "by other provisions of law, including"

Page 3, line 17, after the first "chapter" insert an underscored comma, after the first "or" insert "other provisions of law, including", and after "51-18" insert an underscored comma

Page 3, line 29, after the first "chapter" insert an underscored comma and after the first "or" insert "by other provisions of law, including"

Page 4, line 6, after "chapter" insert an underscored comma, after the first "or" insert "in other provisions of law, including", and after "51-18" insert an underscored comma

Page 4, line 9, after the first "chapter" insert an underscored comma and after the first "or" insert "by other provisions of law, including"

Page 4, line 17, after the first "chapter" insert an underscored comma and after "or" insert "by other provisions of law, including"

Page 4, line 22, after the first "chapter" insert an underscored comma, after "or" insert "under other provisions of law, including", and replace "and" with "or"

Page 4, line 23, after the first "chapter" insert an underscored comma and after the first "or" insert "by other provisions of law, including"

Page 5, line 2, replace "non-prevailing" with "nonprevailing" and after "costs" insert an underscored comma

Page 5, line 10, after the first "chapter" insert an underscored comma and after "or" insert "by other provisions of law, including"

Page 5, line 22, remove the overstrike over the overstruck comma and after the first "or" insert "under other provisions of law, including"

Page 5, line 27, replace "attorney" with "attorney's"

Page 5, line 28, after the first "chapter" insert an underscored comma and after "or" insert "under other provisions of law, including"

Page 5, line 29, remove "and" and remove the overstrike over the first overstruck comma and insert immediately thereafter "and"

Page 6, line 7, after "51-16.1" insert an underscored comma

Page 6, after line 7, insert:

"SECTION 11. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2231: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2231 was placed on the Sixth order on the calendar.

Page 1, line 15, remove the overstrike over the overstruck period

Page 4, line 30, remove "mutually acceptable"

Page 5, line 2, after "owner" insert "established under title 47, Code of Federal Regulations, part 68, section 68.105"

Page 12, line 2, replace "one year" with "two years"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2243: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2243 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "reside in and" and after "township" insert "by having an interest in real or personal property assessed for taxation in the township the director is representing."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2256: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2256 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to plant and seed records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4-09 of the North Dakota Century Code is created and enacted as follows:

Plant and seed records - Exempt. The following records of the state seed commission are exempt from section 44-04-18:

1. Records of any plant or seed analysis or testing and variety or disease determination conducted by the state seed department on a fee-for-service basis for nonpublic entities or persons.
2. Information received by the seed commission under chapter 4-09, 4-10, or 4-42 from a nonpublic entity or person that the nonpublic entity or person determines is propriety information or a trade secret."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2262: Transportation Committee (Sen. Trenbeath, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2262 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 26.1-40-15.6 of the North Dakota Century Code, relating to limitations on uninsured or underinsured coverage.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 26.1-40-15.6 of the North Dakota Century Code is created and enacted as follows:

While operating or occupying a vehicle with three or fewer load bearing wheels unless that vehicle is described in the policy for which the claim is made."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2268: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2268 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2269: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2269 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2286: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2286 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2289: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2289 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2339: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2339 was placed on the Sixth order on the calendar.

Page 1, line 6, after "approval" insert "by the department of corrections and rehabilitation"

Page 2, remove line 3

Page 2, line 4, remove "of the sum as may be necessary, and out of any moneys in the"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**Dept. 530 - Department of Corrections and Rehabilitation**

SENATE - Adds language to clarify approval is by the Department of Corrections and Rehabilitation and removes the general fund appropriation of \$15,000.

REPORT OF STANDING COMMITTEE

SB 2396: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2396 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4007: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4007 was placed on the Sixth order on the calendar.

Page 1, line 2, after "Cuba" insert "and to end the travel restrictions that prohibit most United States citizens from visiting the Republic of Cuba"

Page 2, line 3, after "Cuba" insert "and to end the travel restrictions that prohibit most United States citizens from visiting the Republic of Cuba"

Renumber accordingly

The Senate stood adjourned pursuant to Senator Christmann's motion.

WILLIAM R. HORTON, Secretary