

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, February 1, 2001

The Senate convened at 1:00 p.m., with President Pro Tem Krebsbach presiding.

The prayer was offered by Dr. Gordon Stork, Century Baptist, Bismarck.

**REQUEST**

**SEN. G. NELSON REQUESTED** that the Senate stand at ease until the microphones were working properly, which request was granted.

**THE SENATE RECONVENED**, with President Pro Tem Krebsbach presiding.

The roll was called and all members were present.

A quorum was declared by the President Pro Tem.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2202 be moved to the bottom of the Sixth order, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2214: SEN. ERBELE (Agriculture Committee) MOVED** that the amendments on SJ page 241 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2216: SEN. WANZEK (Agriculture Committee) MOVED** that the amendments on SJ page 242 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2323: SEN. O'CONNELL (Education Committee) MOVED** that the amendments on SJ page 242 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2324: SEN. KELSH (Education Committee) MOVED** that the amendments on SJ page 242 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2314: SEN. D. MATHERN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 242 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2211: SEN. ESPEGARD (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 241 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2349: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 242-243 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2126: SEN. D. MATHERN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 240 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2127: SEN. KLEIN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 241 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2202: SEN. COOK (Education Committee) MOVED** that the amendments on SJ page 241 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2202 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2202:** A BILL for an Act to amend and reenact section 15-34.1-01 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-20-01 of the North Dakota Century Code, relating to the compulsory attendance of students.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Mathern, T.

Engrossed SB 2202 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2067:** A BILL for an Act to amend and reenact sections 57-40.6-01, 57-40.6-02, 57-40.6-03, 57-40.6-03.1, 57-40.6-04, 57-40.6-05, 57-40.6-06, and 57-40.6-08 of the North Dakota Century Code, relating to an excise tax on telephone exchange access service and application of that tax to wireless service for support of wireless enhanced 911 service; and to provide an effective date.

**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 44 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Solberg; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Cook; Every; Mutch; O'Connell; Stenehjem

SB 2067 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2178:** A BILL for an Act to enter the interstate wildlife violator compact; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bowman; Solberg

Engrossed SB 2178 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2039:** A BILL for an Act to amend and reenact section 15-10-12.1 of the North Dakota Century Code, relating to legislative approval of capital improvement projects financed by donations, gifts, grants, and bequests.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Andrist

Engrossed SB 2039 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2189:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to a corporate income tax deduction for dividends paid to shareholders by a regulated investment company or a fund of a regulated investment company; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Polovitz

Engrossed SB 2189 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2318:** A BILL for an Act to provide for property service contracts.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2318 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2044:** A BILL for an Act to amend and reenact section 14-05-24 of the North Dakota Century Code, relating to the division of property in a divorce action.

### MOTION

**SEN. WATNE MOVED** that SB 2044 be amended as follows:

Page 1, line 7, remove "1."

Page 1, remove lines 14 through 23

Page 2, line 1, remove "4."

Renumber accordingly

### REQUEST

**SEN. WATNE REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to SB 2044, which request was granted.

### ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2044, the roll was called and there were 19 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Christenson; Cook; Dever; Every; Heitkamp; Kelsh; Krauter; Krebsbach; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; Robinson; Tollefson; Wanzek; Watne

**NAYS:** Bowman; Christmann; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Kringstad; Kroepelin; Lee; Lyson; Mutch; Nelson, G.; Nething; O'Connell; Polovitz; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tomac; Traynor; Trenbeath; Urlacher; Wardner

The proposed amendments to SB 2044 failed.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 36 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lyson; Mathern, D.; Mutch; Nelson, G.; Nething; Nichols; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tomac; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Christenson; Cook; Dever; Kelsh; Lindaas; Mathern, T.; Nelson, C.; O'Connell; Polovitz; Robinson; Tollefson; Wanzek; Watne

SB 2044 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2161:** A BILL for an Act to amend and reenact section 43-20-02, subsection 2 of section 43-20-03, sections 43-20-06 and 43-20-07, subsection 1 of section 43-20-12, sections 43-20-12.1, 43-28-05, 43-28-12.2, 43-28-16, and 43-28-17, and subsection 1 of section 43-28-25 of the North Dakota Century Code, relating to dentists and dental hygienists registration, licensure, and practice.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espesgard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2161 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2359:** A BILL for an Act to provide counseling services and leave for railroad crew members following an accident.

**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 25 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Cook; Erbele; Every; Fischer; Heitkamp; Holmberg; Kelsh; Krauter; Kringstad; Kroepflin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Thane; Tomac; Wardner

**NAYS:** Andrist; Bowman; Christmann; Dever; Espesgard; Flakoll; Freborg; Grindberg; Kilzer; Klein; Krebsbach; Lee; Mutch; Nelson, G.; Nething; Schobinger; Solberg; Stenehjem; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Watne

SB 2359 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2231:** A BILL for an Act to create and enact a new subsection to section 15-29-08 of the North Dakota Century Code, relating to authority of school district boards to establish student financial institutions; and to amend and reenact subsection 6 of section 6-01-17.1 of the North Dakota Century Code, relating to application fee for establishment of a separate banking facility.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espesgard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2231 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2343:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the waiver of tuition for university system employees and their dependents.

**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 17 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Every; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; O'Connell; Polovitz; Robinson; Tallackson; Tomac

**NAYS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Klein; Kringstad; Kroepelin; Lee; Lyson; Mutch; Nelson, G.; Nething; Nichols; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2343 lost.

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#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4008:** A concurrent resolution urging the Public Service Commission, Qwest Corporation, and the Federal Communications Commission to proceed as quickly as possible with the process of allowing Qwest Corporation to provide interstate telecommunications services.

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

Engrossed SCR 4008 was declared adopted, and the title was agreed to on a voice vote.

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#### **MOTION**

**SEN. CHRISTMANN MOVED** that SB 2373 be returned to the Senate floor from the **Human Services Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2373 was rereferred.

#### **MOTION**

**SEN. CHRISTMANN MOVED** that SB 2447 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Agriculture Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2447 was rereferred.

#### **MOTION**

**SEN. CHRISTMANN MOVED** that SB 2397 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Political Subdivisions Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2397 was rereferred.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2101.

#### **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 2045, SB 2097, SB 2174, SCR 4013.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HCR 3003.

#### **MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1209, HB 1415.

#### **MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1053, HB 1060, HB 1199, HB 1206, HB 1240, HB 1392, HB 1424.

#### **MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, February 2, 2001, which motion prevailed.

#### **REPORT OF STANDING COMMITTEE**

**SB 2008: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2008 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "2,708,878" with "2,707,820"

Page 1, line 14, replace "3,479,396" with "3,478,338"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2008 - Banking and Financial Institutions - Senate Action**

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,708,878	(\$1,058)	\$2,707,820
Operating expenses	701,818		701,818
Equipment	48,700		48,700
Contingency	20,000		20,000
Total all funds	\$3,479,396	(\$1,058)	\$3,478,338
Less estimated income	<u>3,479,396</u>	<u>(1,058)</u>	<u>3,478,338</u>
General fund	\$0	\$0	\$0
FTE	23.00	0.00	23.00

**Dept. 413 - Banking and Financial Institutions - Detail of Senate Changes**

	ADJUST MARKET EQUITY SALARY INCREASE <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$1,058)	(\$1,058)
Operating expenses		
Equipment		
Contingency		
Total all funds	(\$1,058)	(\$1,058)
Less estimated income	<u>(1,058)</u>	<u>(1,058)</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment reduces, from \$4,484 to \$3,426, the amount provided for a market equity salary increase for the commissioner. The amount included in the bill will provide for a salary increase of \$163 per month for the last 18 months of the biennium.

**REPORT OF STANDING COMMITTEE**

**SB 2036: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2036 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2106: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2106 was placed on the Sixth order on the calendar.

Page 2, line 27, overstrike "or indirectly"

Page 3, line 2, after "~~career~~" insert ". For purposes of this section, directly exerting influence means providing information about the school to individuals who are not residents of that district unless the information is requested"

Page 3, line 9, after "district" insert "if that district participates in open enrollment"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2129: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2129 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 50-25.1 of the North Dakota Century Code, relating to abandoned infants."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 50-25.1 of the North Dakota Century Code is created and enacted as follows:

**Abandoned infant - Hospital procedure - Reporting immunity.**

1. As used in this section:
  - a. "Abandoned infant" means an abandoned infant as defined in section 27-20-02 and which has been left at a hospital in an unharmed condition.
  - b. "Hospital" means a facility licensed under chapter 23-16.
2. A parent of an infant may abandon the infant at any hospital. An agent of the parent may leave an abandoned infant at a hospital with the parent's consent. Neither the parent nor the agent is subject to prosecution under sections 14-07-15 and 14-09-22 for leaving the abandoned infant at a hospital.
3. A hospital shall accept an infant abandoned or left under this section. The hospital may request information regarding the parents and shall provide the parent or the agent with a medical history form and an envelope with the hospital's return address. Neither the parent nor the agent is required to provide any information.
4. The hospital shall provide the parent or the agent with a numbered identification bracelet to link the parent or the agent to the abandoned infant. Possession of an identification bracelet does not entitle the bracelet holder to take custody of the abandoned infant on demand. If an individual possesses a bracelet linking the individual to an abandoned infant left at a hospital under this section and parental rights have not been terminated, possession of the bracelet creates a presumption that the individual has standing to participate in a protection services action brought under this chapter or chapter 27-20. Possession of the bracelet does not create a presumption of maternity, paternity, or custody.
5. The hospital may provide the parent or the agent with any relevant information, including:
  - a. Information about the safe place for abandoned infant programs;
  - b. Information about adoption and counseling services; and
  - c. Information about whom to contact if reunification is sought.
6. Within twenty-four hours of receiving an abandoned infant under this section, the hospital shall report to the department, as required by section 50-25.1-03, that an abandoned infant has been left at the hospital. The report may not be made before the parent or the agent leaves the hospital.
7. The hospital and its employees and agents are immune from any criminal or civil liability for accepting an abandoned infant under this section.
8. Upon receiving a report of an abandoned infant left at a hospital under this section, the department shall proceed as required under this chapter if it appears that the abandoned infant was not harmed, except the department may not attempt to identify or contact the parent or the agent. If it appears the abandoned infant was harmed, the department shall initiate an assessment of the matter as required by law.
9. If an individual claiming to be the parent or the agent contacts the department and requests to be reunited with the abandoned infant, the department may identify or contact the individual as required under this chapter and all other applicable laws. If an individual contacts the department seeking information only, the department may attempt to obtain information regarding the identity and medical history of the parents and may provide information regarding the procedures in an abandoned infant



case. The individual is under no obligation to respond to the request for information, and the department may not attempt to compel response to investigate the identity or background of the individual."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2160: Human Services Committee (Sen. 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 2160 was placed on the Sixth order on the calendar.

Page 6, line 3, overstrike the second "or" and insert immediately thereafter an underscored comma and after "chapter" insert ", or chapter 35-34"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2173: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2173 was placed on the Sixth order on the calendar.

Page 1, line 10, after the first "for" insert "contracting for and"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2181: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2181 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 40-57.3 and a new section to chapter 57-39.2 of the North Dakota Century Code, relating to authority of cities to impose motor vehicle rental taxes and a rental company surcharge on motor vehicle rentals;"

Page 1, after line 4, insert:

**"SECTION 1.** A new section to chapter 40-57.3 of the North Dakota Century Code is created and enacted as follows:

City motor vehicle rental tax - Imposition - Amount - Disposition. The governing body of any city may impose by ordinance a city tax at a rate not to exceed one percent upon the gross receipts from the lease or rental of motor vehicles for fewer than thirty days. Net revenue from a tax imposed under this section must be deposited in the city visitors' promotion fund. Taxes imposed under this section must be collected by the tax commissioner as provided under section 40-57.3-04.

**SECTION 2.** A new section to chapter 57-39.2 of the North Dakota Century Code is created and enacted as follows:

Surcharge on rental motor vehicles. A rental company engaged in the business of renting motor vehicles for periods of fewer than thirty days may collect a three percent surcharge on each rental contract at the time a vehicle is rented from the company in this state. A vehicle is considered rented in this state if possession is obtained by the renter in this state. The surcharge may be computed on the total dollar amount for the rental as stated in the rental contract, excluding taxes.

1. A surcharge under this section must be noted in the rental contract and collected in accordance with the terms of the contract.
2. On February fifteenth of each year, a rental company that collects surcharges under this section shall file a report with the commissioner stating the total amount of excise taxes paid under chapter 57-40.3 on its rental vehicles for the preceding calendar year and the total amount of rental motor vehicle revenues earned on rentals in this state for the preceding calendar year. All surcharge revenues collected during the calendar year by the rental company in excess of the total amount of

excise taxes paid under chapter 57-40.3 during the calendar year by the company on rental motor vehicles must be remitted to the commissioner with the report and considered sales tax collections under this chapter.

3. For three years after filing the report under this section the rental company shall retain copies of rental contracts and the commissioner may require the rental company to furnish copies of rental contracts for purposes of ensuring compliance with this section."

Page 1, line 9, after "exempt" insert "but taxes imposed under home rule authority do not apply to such rentals"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2201: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2201 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2205: 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 2205 was placed on the Sixth order on the calendar.

Page 1, line 15, after "average" insert "of the" and remove the overstrike over "~~daily~~" and insert immediately thereafter "closing"

Page 1, line 17, after "cents" insert ". When computing the monthly average price, the most recent previous daily closing price must be considered the daily closing price for the days on which the market is closed"

Page 4, line 1, remove "an average price of a barrel of crude oil of"

Page 4, line 2, replace "first" with "thirty-first"

Page 4, line 4, replace "consumer" with "producer"

Page 4, line 5, after "commodities" insert "as calculated and published by the United States department of labor, bureau of labor statistics," and replace "September thirty-first" with "June thirtieth"

Page 10, line 29, replace "taxable events" with "oil production"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2227: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2227 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2248: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2248 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2254: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2254 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2255: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2255 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2257: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS,

0 ABSENT AND NOT VOTING). SB 2257 was placed on the Sixth order on the calendar.

Page 1, line 20, after the second underscored comma insert "and", after "retired" insert "North Dakota", and remove ", a state's attorney."

Page 1, line 21, remove "and an assistant state's attorney"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2259: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2259 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2261: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2261 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2262: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2262 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2275: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2275 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2279: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2279 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2295: Human Services Committee (Sen. 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 2295 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "use their respective offices to"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2296: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2296 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2299: Finance and Taxation Committee (Sen. Urlacher, 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 2299 was placed on the Sixth order on the calendar.

Page 2, line 5, after the second "the" insert "base rates and the inclusion in the"

Page 2, line 6, after "clause" insert "of any of these costs not in base rates"

Page 4, line 29, remove the overstrike over "~~g. Coal~~" and insert immediately thereafter "mined in this state and", remove the overstrike over "~~used for heating buildings~~", after "and" insert ", except for", and remove the overstrike over "~~coal used in agricultural~~"

Page 4, line 30, remove the overstrike over "~~processing or sugar beet refining plants~~"

Page 4, line 31, remove the overstrike over the period

Page 5, line 18, after "coal" insert ", including coal" and remove the overstrike over "~~used in agricultural processing or sugar beet~~"

Page 5, line 19, remove the overstrike over "~~refining plants located within this state~~"

Page 11, line 1, overstrike "and for purchases of coal"

Page 11, overstrike line 2

Page 11, line 3, overstrike "beet refining plants located within this state or adjacent states,"

Page 15, line 29, overstrike "1995"

Page 15, line 30, after "2000" insert "2001"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2356: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2356 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4011: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4011 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "cost of maintaining the current level" with "opportunity for improving"

Page 1, line 15, remove "of" and after "services" insert "through the use of technology"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4012: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4012 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1092, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1092 was placed on the Sixth order on the calendar.

Page 1, line 10, replace the first "the" with "a"

Page 1, line 24, replace the fourth "the" with "a"

Renumber accordingly

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Krauter, Heitkamp, Tallackson and Reps. Fairfield, Guleson, Lemieux introduced:

**SCR 4025:** A concurrent resolution urging Congress to pass legislation that will lift the embargo on trade with Cuba.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Krauter, Heitkamp introduced:

**SCR 4026:** A concurrent resolution urging Congress to address the flaws in the current freedom to farm legislation, to support legislation such as the farm income and trade equity act introduced by Senator Conrad, which would restore income protection for this nation's farmers, and to support proposals put forth by Senator Dorgan and Congressman Pomeroy, which would correct the loan rate formulas of the current freedom to farm legislation.

Was read the first time and referred to the **Agriculture Committee**.

Sens. Thane, Heitkamp introduced:

**SCR 4027:** A concurrent resolution directing the Legislative Council to study the prices for prescription drugs and possible mechanisms to lower those costs to consumers.

Was read the first time and referred to the **Human Services Committee**.

Sen. Mutch introduced:

**SCR 4028:** A concurrent resolution rescinding all applications made by the Legislative Assembly to the Congress of the United States to call a convention pursuant to the terms of Article V of the United States Constitution for proposing amendments to that Constitution and urging the legislative bodies in other states to take similar action.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Kelsh, Every, Tomac and Rep. Gulleson introduced:

**SCR 4029:** A concurrent resolution urging Congress to eliminate the marriage penalty.

Was read the first time and referred to the **Finance and Taxation Committee**.

#### FIRST READING OF HOUSE BILLS

**HB 1053:** A BILL for an Act to amend and reenact subsection 3 of section 10-06.1-10 of the North Dakota Century Code, relating to acquisition of farmland or ranchland by nonprofit organizations.

Was read the first time and referred to the **Agriculture Committee**.

**HB 1060:** A BILL for an Act to amend and reenact sections 61-21-19, 61-21-28, 61-21-29, and 61-21-50 of the North Dakota Century Code, relating to custody of drain funds.

Was read the first time and referred to the **Natural Resources Committee**.

**HB 1199:** A BILL for an Act to create and enact a new subsection to section 39-06.2-06 of the North Dakota Century Code, relating to exceptions from a commercial driver's license requirements.

Was read the first time and referred to the **Transportation Committee**.

**HB 1206:** A BILL for an Act to amend and reenact subsection 2 of section 57-23-06 of the North Dakota Century Code, relating to the hearing on an application for the abatement or refund of taxes upon real property.

Was read the first time and referred to the **Political Subdivisions Committee**.

**HB 1209:** A BILL for an Act to amend and reenact subsection 4 of section 4-24-11.1 of the North Dakota Century Code, relating to the North Dakota agricultural hall of fame; and to declare an emergency.

Was read the first time and referred to the **Agriculture Committee**.

**HB 1240:** A BILL for an Act to create and enact a new section to chapter 23-10 of the North Dakota Century Code, relating to the change in use or closure of a mobile park.

Was read the first time and referred to the **Political Subdivisions Committee**.

**HB 1392:** A BILL for an Act to amend and reenact subsection 4 of section 57-39.2-04 of the North Dakota Century Code, relating to sales tax application to educational, religious, or charitable activities held in a publicly owned facility; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

**HB 1415:** A BILL for an Act to amend and reenact sections 25-03.2-03.1 and 50-11-02.3 of the North Dakota Century Code, relating to a needs assessment and a moratorium on the expansion of residential treatment center for children and residential child care facility bed capacity; to provide an expiration date; and to declare an emergency.

Was read the first time and referred to the **Human Services Committee**.

**HB 1424:** A BILL for an Act to amend and reenact section 43-07-10 of the North Dakota Century Code, relating to licensing of contractors.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

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

**WILLIAM R. HORTON, Secretary**

