

## JOURNAL OF THE SENATE

## Fifty-fifth Legislative Assembly

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Bismarck, February 6, 1997

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

The prayer was offered by Father Matthew Arackal, St. Anthony Church, Linton.

The roll was called and all members were present except Senators Bowman and Tomac.

A quorum was declared by the President.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1112, HB 1135, HB 1158, HB 1224, HB 1343, HB 1349, HB 1366, HB 1380.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1059, HB 1108, HB 1113, HB 1126, HB 1148, HCR 3003, HCR 3004, HCR 3005, HCR 3007.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The President has signed: HB 1059, HB 1108, HB 1113, HB 1126, HB 1148, HCR 3003, HCR 3004, HCR 3005, HCR 3007.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2162, SB 2164, SB 2172, SB 2184, SB 2185, SB 2195, SB 2199, SB 2205, SB 2215, SB 2285, SB 2288, SB 2312.

**MOTION**

**SEN. GOETZ MOVED** that SB 2001, which is on the Sixth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2001 was rereferred.

**MOTION**

**SEN. G. NELSON MOVED** that Senate Rule 329(4) be amended to change the deadline for rereferrals of Senate bills to the Appropriations Committee from the "twenty-third" to the "twenty-ninth" day, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2108, as engrossed: SEN. C. NELSON (Judiciary Committee) MOVED** that the amendments on SJ page 247 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2009: SEN. SOLBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 246-247 be adopted and then be placed on the Eleventh order with **DO PASS**.

**REQUEST**

**SEN. KRAUTER REQUESTED** that the Senate divide the amendments to SB 2009, which request was granted.

**DIVISION A:** That part of the amendment which states:

Page 1, line 10, replace "Premiums" with "Youth premiums"

**DIVISION B:** The remainder of the proposed amendments.

**REQUEST**

**SEN. HEITKAMP REQUESTED** a recorded roll call vote on Division A of the proposed amendments to SB 2009, which request was granted.

**ROLL CALL**

The question being on the adoption of Division A of the proposed amendments to SB 2009, the roll was called and there were 28 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Andrist; Bowman; Tomac

Division A of the proposed amendments to SB 2009 was adopted.

**REQUEST**

**SEN. HEITKAMP REQUESTED** a recorded roll call vote on Division B of the proposed amendments to SB 2009, which request was granted.

**ROLL CALL**

The question being on the adoption of Division B of the proposed amendments to SB 2009, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Andrist; Bowman; Tomac

Division B of the proposed amendments to SB 2009 was adopted.

Divisions A and B of the proposed amendments were adopted on recorded roll call votes. The motion to adopt the amendments on SJ pages 246-247 prevailed on a voice vote.

SB 2009, as amended, was placed on the Eleventh order for second reading and final passage.

**CONSIDERATION OF AMENDMENTS**

**SB 2088: SEN. ROBINSON (Appropriations Committee) MOVED** that the amendments on SJ page 247 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2147: SEN. THANE (Human Services Committee) MOVED** that the amendments on SJ pages 247-249 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed. Pursuant to Sen. Thane's motion, Engrossed SB 2147 was rereferred.

**CONSIDERATION OF AMENDMENTS**

**SB 2275: SEN. GRINDBERG (Education Committee) MOVED** that the amendments on SJ page 249 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed. Pursuant to Sen. Grindberg's motion, Engrossed SB 2275 was rereferred.

**CONSIDERATION OF AMENDMENTS**

**SB 2347: SEN. NALEWAJA (Appropriations Committee) MOVED** that the amendments on SJ pages 249-250 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. GOETZ MOVED** that the rules be suspended and that SB 2347, as amended, be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2347:** A BILL for an Act to authorize the adjutant general to borrow funds to respond to disasters; to create and enact a new section to chapter 54-16 of the North Dakota Century Code, relating to authorizing state agencies to borrow funds for disasters; to amend and reenact section 54-16-08 of the North Dakota Century Code, relating to state contingencies appropriation; to provide an appropriation; 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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Stenehjem, B.

**ABSENT AND NOT VOTING:** Bowman; Tomac

Engrossed SB 2347 passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**SEN. GOETZ MOVED** that the rules be suspended and that Engrossed SB 2347 be messaged to the House immediately, which motion prevailed.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2347.

**SECOND READING OF SENATE BILL**

**SB 2298:** A BILL for an Act to provide for creation of the Devils Lake basin water board; and to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to political subdivision audits; and to declare an emergency.

**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 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Yockim

**NAYS:** Sand; Wogsland

**ABSENT AND NOT VOTING:** Bowman; Tomac

Engrossed SB 2298 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2334:** A BILL for an Act to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to the destruction of workers' compensation claim files.

**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 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** LaFountain; O'Connell

**ABSENT AND NOT VOTING:** Bowman; Tomac

Engrossed SB 2334 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2017:** A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota.

#### 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, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Robinson; Tomac

SB 2017 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2131:** A BILL for an Act to amend and reenact sections 19-14-02, 19-14-04, 19-18-04, and 19-20.1-03.1 of the North Dakota Century Code, relating to livestock medicine registrations and registration fees, pesticide registrations, and fertilizer distributors' licenses; and to provide a penalty.

#### 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, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Freborg; Tomac

SB 2131 passed and the title was agreed to.

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#### MOTION

**SEN. GOETZ MOVED** that SB 2180, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2171:** A BILL for an Act to amend and reenact sections 41-03-03, 41-03-04, 41-03-53, 41-03-54, 41-04-19, and 41-04-20 of the North Dakota Century Code, relating to the liability for paying an unauthorized demand draft.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Tomac

SB 2171 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2251:** A BILL for an Act to amend and reenact sections 57-15-14, 57-38-29, 57-38-30, and 57-38-30.3 of the North Dakota Century Code, relating to school district property tax levies and individual and corporate income tax rates; to provide an appropriation; and to provide an effective date.

**MOTION**

**SEN. YOCKIM MOVED** that SB 2251 be amended as follows:

Page 1, line 1, replace "sections" with "section" and remove ", 57-38-29, 57-38-30, and 57-38-30.3"

Page 1, line 2, remove "and individual"

Page 1, line 3, remove "and corporate income tax rates"

Page 1, line 16, replace "5" with "2" and replace "first" with "second"

Page 3, remove lines 12 through 29

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 27

Page 8, line 29, replace "\$160,000,000" with "\$50,000,000"

Page 8, line 31, after "the" insert "second year of the"

Page 9, line 1, remove "Not more than one-half of the amount appropriated in this section may be expended in"

Page 9, line 2, remove "the first fiscal year of the 1997-99 biennium."

Page 9, line 3, replace "1997" with "1998"

Page 9, line 4, replace "first" with "second"

Page 9, line 6, replace "Sections" with "Section", remove "through 4", and replace "are" with "is"

Page 9, line 7, replace "1996" with "1997"

Renumber accordingly

**REQUEST**

**SEN. HEITKAMP REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to SB 2251, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the proposed amendments to SB 2251, the roll was called and there were 16 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Thompson; Wogsland; Yockim

**NAYS:** Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Wanzek; Watne

**ABSENT AND NOT VOTING:** Bowman; Tomac

The proposed amendments to SB 2251 failed.

**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, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**NAYS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Tomac

SB 2251 lost.

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**SECOND READING OF SENATE BILL**

**SB 2279:** A BILL for an Act to amend and reenact section 35-20-16 and subsection 3 of section 41-09-46 of the North Dakota Century Code, relating to entering liens for unpaid earned property or casualty insurance premiums in the central notice system.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Tomac

SB 2279 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2289:** A BILL for an Act to amend and reenact subsection 2 of section 15-40.1-06 of the North Dakota Century Code, relating to the educational support per student.

**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 24 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; DeMers; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Lindaas; Lips; Mathern; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Schobinger; Stenehjem, W.; Tallackson; Thane; Thompson; Wogsland; Yockim

**NAYS:** Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Klein; Krebsbach; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Solberg; St. Aubyn; Stenehjerm, B.; Traynor; Urlacher; Wanzek; Watne

**ABSENT AND NOT VOTING:** Bowman; Tomac

SB 2289 lost for lack of a Constitutional majority.

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### SECOND READING OF SENATE BILL

**SB 2292:** A BILL for an Act to provide for the creation of a school district emergency repair and maintenance revolving loan fund; and to provide an appropriation.

### 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 18 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Wogsland; Yockim

**NAYS:** Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Thane; Traynor; Urlacher; Wanzek; Watne

**ABSENT AND NOT VOTING:** Bowman; Tomac

SB 2292 lost.

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### MOTION

**SEN. FISCHER MOVED** that SB 2335 be returned to the Senate floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

### REQUEST

**SEN. FISCHER REQUESTED** the unanimous consent of the Senate to withdraw SB 2335. There being no objection, it was so ordered by the President.

### MOTION

**SEN. GOETZ MOVED** that the absent members be excused, which motion prevailed.

### MOTION

**SEN. GOETZ MOVED** that the Senate be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, February 7, 1997, which motion prevailed.

### REPORT OF STANDING COMMITTEE

**SB 2015: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2015 was placed on the Sixth order on the calendar.

Page 5, line 18, after "exceed" insert "the lesser of \$25,000,000 or"

Renumber accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 471 - BANK OF NORTH DAKOTA

SENATE - This amendment limits the amount of any additional Bank transfers to the general fund during the 1997-99 biennium to the lesser of \$25,000,000 or the actual revenue shortfall.

### REPORT OF STANDING COMMITTEE

**SB 2016: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE**

**REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2016 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "create" with "amend", replace "enact a new" with "reenact", and replace "to chapter 12-46" with "15-40.2-08"

Page 1, line 3, replace "school district liability for the cost of educating students at the" with "payment of tuition in cases of residential placements"

Page 1, line 4, remove "youth correctional center"

Page 3, replace lines 18 through 23 with:

**"SECTION 6. TRANSFER OF FUNDS PROHIBITED.** No portion of the funds appropriated to the foundation aid line item may be transferred to support the provision of educational services by the youth correctional center."

Page 3, after line 29, insert:

**"SECTION 8. AMENDMENT.** Section 15-40.2-08 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-40.2-08. Residency determination and the payment of tuition in cases of child placements for purposes other than education.**

1. For purposes of applying this chapter, the school district in which a child resides must be construed to be the district of residence of such child:
  - a. At the time an order of a state court, tribal court, or juvenile supervisor requires such child to stay for any prescribed period at a state-licensed foster home, or state-licensed child care home or facility;
  - b. At the time of any placement for any prescribed period of time by a county or state social service agency with the consent of the parent or guardian at a state-licensed foster home, or state-licensed child care home or facility;
  - c. At the time of a placement to or from a state-operated institution; or
  - d. At the time of any voluntary admission to a state-licensed child care home or facility or state-operated institution.
2. The district of residence shall be liable for:
  - a. Tuition upon claim of the admitting district.
  - b. Tutoring services upon claim of the admitting facility, provided that the tutoring services are delivered by a certified and qualified teacher according to rules established by the superintendent of public instruction.
3. Where the guardian, parent, or parents of the child were residents of the district at the time of placement under subdivisions a through d of subsection 1, but such guardian, parent, or both parents have subsequently moved to another school district within North Dakota, then the tuition due the admitting district must be paid by the district of residence of the guardian, parent, or parents. If the guardian, parent, or parents have moved to another state, or if parental rights have been terminated, then the tuition due the admitting district must be paid by the state from funds appropriated by the legislative assembly for the foundation aid program.
4. In the event of a voluntary admission to any state-licensed child care home or facility or state-operated institution, the determination of tuition may be subject to an appeal filed with the county superintendent of schools. Within fifteen days, the three-member committee referred to in section 15-40.2-05 shall consult with the school boards of the districts concerned and with the parent or guardian of the pupil concerned and render a decision in regard to the tuition charges.

5. If the district of residence does not pay the required tuition, the admitting district or facility shall notify the superintendent of public instruction, and upon verification that such tuition payments are in fact due and are unpaid, an amount equal to the unpaid tuition must be withheld from payments for foundation aid to the district of residence of the pupil until the tuition due has been fully paid.
6. An amount equal to the state average per student elementary or high school costs, depending on the educational level of the student, is payable to the admitting district or facility as part of the cost of educating the student for the school year. The payment may not exceed the actual per student cost incurred by the admitting district or facility. The remainder of the actual cost of educating the student not covered by other payments or credits must be paid by the state from funds appropriated for special education in the case of a student with disabilities, or from funds appropriated for foundation aid in all other cases within the limits of legislative appropriations.
7. If a student with disabilities, who is placed in accordance with the provisions of this section, reaches the age of majority and continues to receive special education and related services, the district of residence remains the same as that of the student's guardian, parent, or parents until the special education services are concluded.
8.
  - a. The placement agency shall provide written notice by registered mail of a placement made under court order or in an emergency to the superintendent of the district of residence and the superintendent of the admitting district within five working days after the placement.
  - b. Except as provided in subdivision a, the placement agency shall provide written notice by registered mail of a placement to the superintendent of the district of residence and the superintendent of the admitting district at least ten working days before the placement.
  - c. The placement agency shall afford the district of residence reasonable opportunity to participate in permanency planning for the child.
9. Notwithstanding the provisions of this section, educational services provided to a student by the youth correctional center are not subject to the payment of tuition by either the student's school district of residence or the superintendent of public instruction."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2045: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2045 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 chapter 12-55.1 of the North Dakota Century Code, relating to the pardon advisory board and to pardons, conditional pardons, reprieves, and commutations; to amend and reenact subsection 5 of section 12-60-16.2, subsections 15 and 17 of section 12.1-34-02, subsection 4 of section 12.1-34-03, subsection 5 of section 27-20-52, subsection 1 of section 28-32-01, and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the pardon advisory board and to membership of boards; and to repeal chapter 12-55 of the North Dakota Century Code, relating to pardons, reprieves, and commutations.

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

**SECTION 1.** Chapter 12-55.1 of the North Dakota Century Code is created and enacted as follows:

**12-55.1-01. Definitions.** In this title, unless the context otherwise requires:

1. "Commutation" means the change of the punishment to which a person is sentenced to a less severe punishment.
2. "Conditional pardon" means a pardon, commutation, reprieve, or remission of fine subject to terms and conditions established by the governor upon the recommendation of the pardon advisory board.
3. "Department" means the department of corrections and rehabilitation.
4. "Pardon" means the removal of punishment or custody imposed upon a person for the commission of an offense. A pardon does not remove the fact of that person's conviction or plea or finding of guilt for an offense unless specifically stated in the certificate of pardon.
5. "Remission of fine" means a release or partial release of a fine.
6. "Reprieve" means a temporary relief from or postponement of the execution of a criminal sentence.

**12-55.1-02. Pardon advisory board - Membership.** The governor may appoint a pardon advisory board to consist of five members including the attorney general and two members of the parole board. The governor shall appoint two persons who are residents and citizens of this state to the remaining two positions. The governor shall appoint a chairperson from within the membership of the pardon advisory board. The governor may dissolve the pardon advisory board at any time. The members appointed by the governor are entitled to be paid compensation and expenses at the same rate paid to members of the legislative assembly. The board shall provide information and make recommendations to the governor concerning any matters before the governor under this chapter.

**12-55.1-03. Pardon advisory board meetings - Rules.** If the governor appoints a pardon advisory board, the pardon advisory board may adopt rules necessary to govern its proceedings, including the time and place of meetings of the board. The governor may call meetings of the pardon advisory board as the governor deems necessary to carry out the board's duties.

**12-55.1-04. Governor may remit fines and grant commutations, pardons, and reprieves.** The governor has the power to remit fines and grant commutations, reprieves, pardons, and conditional pardons after judgment of conviction. If the governor grants a conditional pardon, the pardon must state the terms and conditions of the pardon. The governor shall sign every commutation, reprieve, pardon, conditional pardon, or remission of fine granted by the governor. The recommendations of the pardon advisory board and the determination of the governor are not reviewable by any court.

**12-55.1-05. Pardon clerk - Duties.** The director of the division of parole and probation shall serve as the pardon clerk under this chapter. The pardon clerk shall:

1. Maintain a register of all applications filed for commutation, reprieve, pardon, conditional pardon, or remission of fine and shall maintain a complete and accurate record of all proceedings in connection with the applications, including all correspondence, documents, evidence, and appearances made in connection with the application.
2. Conduct investigations, employ psychologists, psychiatrists, or other specialists necessary for the determination of matters before the pardon advisory board or the governor under this chapter, and perform other duties in connection with matters under this chapter as may be requested by the pardon advisory board or the governor.
3. Maintain a record of every commutation, reprieve, pardon, conditional pardon, or remission of fine granted or refused, along with the reasons for each action.

**12-55.1-06. Application for commutation, reprieve, pardon, conditional pardon, or remission of fine.** An application for commutation, reprieve, pardon, conditional pardon, or remission of fine must be made with the pardon clerk on a form prescribed by the clerk and in accordance with any rules adopted under this chapter.

**12-55.1-07. Notice of application.** The pardon clerk shall provide written notice of an application for a commutation, reprieve, pardon, conditional pardon, or remission of fine to the district court and the state's attorneys in the county or counties where the judgment of conviction was entered against the applicant. The notice must include the name of the applicant, the date of entry and docket number of the criminal judgment, the crime or crimes stated in the criminal judgment, and the date and place for the meeting on the application.

**12-55.1-08. Governor may reconsider action.** If the governor has granted an application for a commutation, reprieve, conditional pardon, or remission of fine and the applicant is still in custody in any correctional facility, the governor may reconsider the decision any time before the applicant is released from the correctional facility. If an applicant is released from custody pursuant to a conditional pardon and the applicant has violated any of the terms or conditions of the conditional pardon, the governor may revoke the conditional pardon in the same manner provided for violation of any of the terms or conditions of parole. In all other cases, the governor may reconsider a decision on an application if the reconsideration is made within thirty days from the date of the initial decision. A decision made on reconsideration may not be reviewed by any court.

**12-55.1-09. Statements of judge and state's attorney.** The judge and the state's attorney may make any recommendations that may be of assistance to the governor, pardon advisory board, or parole board in considering the person's case. The judge before whom any person has been convicted of a felony and the state's attorney of the county in which the crime was committed may file with the clerk of court separate official statements that may include:

1. The facts and circumstances constituting and surrounding the crime for which the person was convicted.
2. The age of the person.
3. All available information regarding the person before the commission of the crime for which the person was convicted.
4. All available information regarding the person's habits, associates, disposition, and reputation.
5. All facts and circumstances that may indicate whether the person is capable of becoming a law-abiding citizen.
6. The state's attorney's reasons for the recommended sentence and the court's reasons for the sentence imposed.

**12-55.1-10. Duty of court reporter and clerk of court.** The court reporter, at the direction of the judge or state's attorney, shall prepare the official statements of the judge and state's attorney. The clerk of court with whom the statements are filed shall attach a copy of the statements to the criminal judgment. The clerk shall provide to the department the criminal judgment with the attached copy of the official statements.

**12-55.1-11. Records.** The records of an applicant for commutation, reprieve, pardon, conditional pardon, or remission of fine are subject to section 12-47-36. The pardon clerk may permit the inspection of an application for a commutation, reprieve, pardon, conditional pardon, or remission of fine; the recommendations of the pardon advisory board, if any; and the decision of the governor, including any decision made after reconsideration or after proceedings for revocation.

**SECTION 2. AMENDMENT.** Subsection 5 of section 12-60-16.2 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. The North Dakota state penitentiary, ~~board of pardons~~ pardon clerk, parole board, and local correctional facility administrators shall furnish the bureau with all information concerning the receipt, escape, death, release, pardon, conditional pardon, reprieve, parole, commutation of sentence, ~~granting of executive clemency~~, or discharge of an individual who has been sentenced to that agency's custody for any reportable offense which is required to be collected, maintained, or disseminated by the bureau. In the case of an escape from custody or death while in custody, information concerning the receipt and escape or death; must also be furnished.

**SECTION 3. AMENDMENT.** Subsections 15 and 17 of section 12.1-34-02 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

15. Notice of final disposition and parole procedures. Victims and witnesses must be informed by the prosecuting attorney of the final disposition of any criminal case. The prosecuting attorney shall explain to the victim the parole process and pardon process and further advise the victim of the necessity of advising the custodial authority and the parole board and the pardon ~~board~~ clerk of the victim's address in order for the victim to receive further information under other provisions of this chapter.
17. Participation in parole board and pardon ~~board~~ decision. Victims may submit a written statement for consideration by the parole board ~~or, the governor, or the pardon advisory board, if one has been appointed,~~ or, the governor, or the pardon advisory board taking any action on a defendant's request for parole or pardon. Victims of violent crimes may at the discretion of the parole board ~~or, the governor, or the pardon advisory board~~ personally appear and address the parole board ~~or, the governor, or the pardon advisory board~~. Notice must be given by the parole board or pardon ~~board~~ clerk informing the victim of the pending review and of the victim's rights under this section. The victim must be provided notice of the decision of the parole board or of the governor and the recommendations of the pardon advisory board, if any, and, if applicable, notice of the date of the prisoner's release on parole or the prisoner's pardon, conditional pardon, reprieve, commutation, or remission of fine. Notice must be given within a reasonable time after the parole board or ~~pardon board reaches its~~ the governor makes a decision but in any event ~~prior to~~ before the parolee's or pardoned prisoner's release from custody.

**SECTION 4. AMENDMENT.** Subsection 4 of section 12.1-34-03 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. To notify law enforcement authorities, prosecuting attorney, custodial authority, parole board, pardon ~~board~~ clerk, and court, where appropriate, of any change of address. The address information provided to these persons must be kept confidential.

**SECTION 5. AMENDMENT.** Subsection 5 of section 27-20-52 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. A court in which the child is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which the child is committed, or by a the parole or board, the governor, or the pardon advisory board, if one has been appointed, in considering the child's parole or discharge or in exercising supervision over the child; and

**SECTION 6. AMENDMENT.** Subsection 1 of section 28-32-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. "Administrative agency" or "agency" means each board, bureau, commission, department, or other administrative unit of the executive branch of state government, including one or more officers, or employees, or other persons directly or indirectly purporting to act on behalf or under authority of the agency. An administrative unit located within or subordinate to an administrative agency shall be treated as part of that agency to the extent it purports to exercise authority subject to this chapter. The term administrative agency does not include:
  - a. The office of management and budget except with respect to rules relating to the state building code as authorized or required under section 54-21.3-03, rules relating to the Model Energy Code as required under section 54-21.2-03, rules relating to the central personnel system as authorized under section 54-44.3-07, rules relating to state purchasing practices as required under section 54-44.4-04, rules relating to records management as authorized or required under chapter 54-46, and rules relating to the central microfilm unit as authorized under chapter 54-46.1.

- b. The adjutant general with respect to the division of emergency management.
- c. The council on the arts.
- d. The state auditor.
- e. The department of economic development and finance.
- f. The dairy promotion commission.
- g. The education factfinding commission.
- h. The educational telecommunications council.
- i. The board of equalization.
- j. The board of higher education.
- k. The Indian affairs commission.
- l. The industrial commission with respect to the activities of the Bank of North Dakota, the North Dakota housing finance agency, the North Dakota municipal bond bank, and the North Dakota mill and elevator association.
- m. The department of corrections and rehabilitation except with respect to the activities of the division of adult services under chapter 54-23.4.
- n. The ~~board of pardons~~ pardon advisory board.
- o. The parks and recreation department.
- p. The parole board.
- q. The superintendent of public instruction, except with respect to rules prescribed under section 15-21-07 and rules implementing chapter 15-22.
- r. The state fair association.
- s. The state department of health with respect to the state toxicologist.
- t. The board of university and school lands except with respect to activities under chapter 47-30.1.
- u. The administrative committee on veterans' affairs except with respect to rules relating to the supervision and government of the veterans' home and the implementation of programs or services provided by the veterans' home.
- v. The industrial commission with respect to the lignite research fund except as required under section 57-61-01.5.
- w. The secretary of state with respect to rules adopted for the presidential preference contest under section 16.1-11-02.2.

**SECTION 7. AMENDMENT.** Subsection 1 of section 54-07-01.2 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding sections 2-05-01, 4-18.1-04, 4-27-04, 6-01-03, 6-09-02.1, ~~42-55-04~~ 12-55.1-02, 12-59-01, 15-21-17, 15-38-17, 15-39.1-05, 15-65-02, 20.1-02-23, 23-01-02, 23-25-02, 36-01-01, 37-18.1-01, 50-06-05.6, 50-06.1-16, 54-34.3-10, 54-54-02, 55-01-01, 55-06-01, 61-02-04, and 61-28-03, all members of the following boards and commissions must, subject to the limitations of this section, be considered to have resigned from such boards and commissions effective January first of the first year of each four-year term of the governor:

- a. The aeronautics commission.
- b. The milk marketing board.
- c. The dairy promotion commission.
- d. The state banking board.
- e. The state credit union board.
- f. The advisory board of directors to the Bank of North Dakota.
- g. The ~~board of pardons~~ pardon advisory board.
- h. The state parole board.
- i. The state board of public school education.
- j. The education standards and practices board and the administrator's professional practices board.
- k. The board of trustees for the teachers' fund for retirement.
- l. The educational telecommunications council.
- m. The state game and fish advisory board.
- n. The health council.
- o. The air pollution control advisory council.
- p. The board of animal health.
- q. The administrative committee on veterans' affairs.
- r. The committee on aging.
- s. The committee on employment of people with disabilities.
- t. The commission on the status of women.
- u. The North Dakota council on the arts.
- v. The state historical board.
- w. The Yellowstone-Missouri-Fort Union commission.
- x. The state water commission.
- y. The state water pollution control board.

**SECTION 8. REPEAL.** Chapter 12-55 of the North Dakota Century Code is repealed."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2187: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2187 was placed on the Sixth order on the calendar.

Page 1, line 3, after "employees" insert "; and to declare an emergency"

Page 1, line 14, after "make" insert "at least"

Page 1, after line 16, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2204: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2204 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~tenth~~", remove "fifth", and after "each" insert "calendar"

Page 1, line 11, after "last" insert "working" and overstrike "preceding" and insert immediately thereafter "previous calendar"

Page 1, line 19, remove the overstrike over "~~tenth~~" and remove "fifth"

Page 1, line 22, after "last" insert "working"

Page 2, line 4, after "last" insert "working"

Page 2, line 6, remove the overstrike over "~~tenth~~" and remove "fifth"

Page 2, line 19, remove the overstrike over "~~tenth~~" and remove "fifth"

Page 2, line 20, after "last" insert "working" and overstrike "preceding" and insert immediately thereafter "previous calendar"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2229: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2229 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2236: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2236 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2241: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2241 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2249: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2249 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2254: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2254 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2287: 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 2287 was placed on the Sixth order on the calendar.

Page 1, line 1, after the first "to" insert "amend and reenact subsection 6 of section 6-01-07.1 of the North Dakota Century Code, relating to access to records held by the department of banking and financial institutions; and to"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 6 of section 6-01-07.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. ~~Nothing in this~~ This section shall be construed to does not limit the right of access of the Bank of North Dakota to the department's records of all state banks, savings and loan associations, and credit unions, as provided by section 6-01-20, nor to limit the right of access of stockholders, shareholders, depositors, creditors, and sureties on bonds to specified department records as, and to the extent, provided by section 6-01-07."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2309: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2309 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2336: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2336 was placed on the Sixth order on the calendar.

Page 5, line 27, replace "1998" with "1999"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2370: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2370 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2373: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2373 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "certified" with "community", replace "corporation banks" with "corporations", and remove "state-chartered"

Page 1, line 8, remove "state-chartered"

Page 1, line 9, replace "certified" with "community" and remove "bank"

Page 1, line 15, replace "certified" with "community" and remove "bank"

Page 1, line 23, remove "state-chartered"

Page 2, line 1, replace "in this state the opportunity to" with ", including state-chartered banks, the right to form community development corporations, as defined by the federal office of the comptroller of the currency and the federal reserve. The purpose of the corporation is to assist communities in this state in economic development, housing, the creation of jobs for low and moderate income persons, and development of community facilities. A special emphasis is to be on rural communities."

Page 2, remove lines 2 through 16

Page 4, remove lines 27 through 31

Page 5, remove lines 1 through 3

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2398: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2398 was placed on the Sixth order on the calendar.

Page 1, line 16, remove "and"

Page 1, line 18, remove "unless the"

Page 1, remove line 19

Page 1, line 20, after "will" insert "be the principal user of the farmland, and who will"

Page 2, line 6, after "program" insert "to encourage first-time farmers to enter into and remain in the livelihood of agriculture and to provide first-time farmers a source of financing at favorable rates and terms generally not available to them. The first-time farmer finance program is established to allow first-time farmers to utilize the tax-exempt financing provided for in the Internal Revenue Code of 1986, and any amended regulations adopted thereunder"

Page 2, line 13, remove "fifty"

Page 2, line 18, replace "provided that the amount of financing for the acquisition of used" with an underscored period

Page 2, remove line 19

Page 2, line 28, replace "individual" with "evidence of"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2207: 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 2207 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "five" with "nine" and after the second semicolon insert "or"

Page 1, line 9, remove "; or suffers acute situational"

Page 1, line 10, remove "anxiety"

Page 1, line 12, remove "also", after "provide" insert "the", and remove "for general"

Page 1, remove line 13

Page 1, line 14, remove "regardless of" and replace "or a dental office" with ", an ambulatory surgery center, or an oral surgery clinic"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2343: 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 2343 was placed on the Sixth order on the calendar.

Page 2, line 6, overstrike "physical" and insert immediately thereafter "medical"

Page 2, line 7, overstrike "physical" and insert immediately thereafter "medical"

Page 2, line 9, after the period insert "After the initial medical examination, an employer shall require at least a periodic medical examination as follows: for one to ten years of service, every five years; for eleven to twenty years of service, every three years; and for twenty-one or more years of service, every year. The periodic medical examination, at a minimum, must consist of a general medical history of the individual and the individual's family; an occupational history including contact and an exposure to hazardous materials, toxic products, contagious and infectious diseases, and to physical hazards; a physical exam including measurement of height, weight, and blood pressure; and laboratory and diagnostic procedures including a nonfasting total blood cholesterol test and paparicolaou smear for women. If the medical examination reveals that an employee falls into a recognized risk group, the employee must be referred to a qualified health professional for future medical examination."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2354: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2354 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4019: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4019 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1070: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1070 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1105: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1105 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1298: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1298 was placed on the Fourteenth order on the calendar.

**FIRST READING OF HOUSE BILLS**

**HB 1112:** A BILL for an Act to create and enact two new sections to chapter 12.1-31 of the North Dakota Century Code, relating to the exploitation of a disabled or vulnerable elderly adult; to amend and reenact section 12.1-31-07 of the North Dakota Century Code, relating to the definition of disabled or vulnerable elderly adult; and to provide a penalty.

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

**HB 1135:** A BILL for an Act to amend and reenact sections 43-17-31, 43-17-32.1, subsection 1 of section 43-17.1-05, and section 43-17.1-05.1 of the North Dakota Century Code, relating to grounds for disciplinary action, suspensions, complaints, and reports under the board of medical examiners; and to provide a penalty.

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

**HB 1158:** A BILL for an Act to create and enact a new subsection to section 28-32-01, and two new sections to chapter 28-32 of the North Dakota Century Code, relating to adjudicative proceedings, specific agency statutes and rules, and emergency adjudicative proceedings; and to amend and reenact sections 23-01-23, 28-32-05, 28-32-05.1, 28-32-06, 28-32-07, 28-32-08, 28-32-08.2, subsection 1 of section 28-32-08.4, sections 28-32-09, 28-32-12, 28-32-12.1, 28-32-12.2, 28-32-13, subsection 1 of section 28-32-17, sections 43-18.2-05, and 43-18.2-06 of the North Dakota Century Code, relating to procedures for adjudicative proceedings.

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

**HB 1224:** A BILL for an Act to create and enact a new section to chapter 39-06.2 of the North Dakota Century Code, relating to commercial drivers transporting agricultural commodities.

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

**HB 1343:** A BILL for an Act to amend and reenact section 33-06-04 of the North Dakota Century Code, relating to eviction actions.

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

**HB 1349:** A BILL for an Act to amend and reenact sections 23-01-18 and 23-01-19 of the North Dakota Century Code, relating to the control and eradication of rabies.

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

**HB 1366:** A BILL for an Act to amend and reenact section 15-27.2-04 of the North Dakota Century Code, relating to school district annexation proceedings.

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

**HB 1380:** A BILL for an Act to amend and reenact sections 21-03-15 and 21-03-42 of the North Dakota Century Code, relating to payment of the principal and interest on bonds issued by political subdivisions and termination of tax levies; and to provide an effective date.

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

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

**William C. Parker, Secretary**