

## JOURNAL OF THE SENATE

## Fifty-fifth Legislative Assembly

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Bismarck, February 17, 1997

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

The prayer was offered by Pastor Kitch Shatzer, Presbyterian Churches of Langdon and Nekoma.

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

A quorum was declared by the President.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2347.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The Speaker has signed: SB 2347.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for his approval at the hour of 11:10 a.m., February 17, 1997: SB 2347.

**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 1046, HB 1111, HB 1142, HB 1159, HB 1162, HB 1176, HB 1185, HB 1249, HB 1281, HB 1282, HB 1306, HB 1314, HB 1346.

**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 1020, HB 1070, HB 1105, HB 1107, HB 1120.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1020, HB 1070, HB 1105, HB 1107, HB 1120.

**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 2029, SB 2047, SB 2124, SB 2147, SB 2182, SB 2187, SB 2196, SB 2209, SB 2275, SB 2277, SB 2278, SB 2316, SB 2317, SB 2320, SB 2336, SCR 4017, SCR 4021, SCR 4023, SCR 4029, SCR 4035.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on February 17, 1997, I signed the following: SB 2347.

**MOTION**

**SEN. GOETZ MOVED** that SB 2052 be moved to the top of the Sixth order, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2052: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 331-332 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2001: SEN. GOETZ (Appropriations Committee) MOVED** that the amendments on SJ pages 326-328 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2022: SEN. URLACHER (Finance and Taxation Committee) MOVED** that the amendments on SJ page 368 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2206: SEN. WANZEK (Education Committee) MOVED** that the amendments on SJ page 368 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2234: SEN. DEMERS (Human Services Committee) MOVED** that the amendments on SJ pages 368-369 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2301: SEN. LEE (Human Services Committee) MOVED** that the amendments on SJ page 369 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2308: SEN. THANE (Human Services Committee) MOVED** that the amendments on SJ page 369 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2379: SEN. WATNE (Political Subdivisions Committee) MOVED** that the amendments on SJ page 370 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SCR 4025: SEN. YOCKIM (Human Services Committee) MOVED** that the amendments on SJ page 370 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SCR 4038: SEN. FISCHER (Human Services Committee) MOVED** that the amendments on SJ page 370 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. GOETZ MOVED** that Engrossed SB 2021, which is on the Eleventh order, be moved to the bottom of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2028:** A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to fetal alcohol syndrome; to amend and reenact sections 15-11-35, 23-01-24, and subsection 2 of section 50-06-05.3 of the North Dakota Century Code, relating to fetal alcohol syndrome; and to provide an appropriation.

**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; 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:** Mutch; Stenehjem, B.

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

Reengrossed SB 2028 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2139:** A BILL for an Act to amend and reenact subsection 1 of section 15-39.1-09 and subsection 2 of section 15-39.1-10 of the North Dakota Century Code, relating to

assessments and computation of benefits under the teachers' fund for retirement; to provide for application; and to provide a statement of legislative intent.

#### 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 44 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Cook; Mutch; Solberg

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

Engrossed SB 2139 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2167:** A BILL for an Act to create and enact section 14-09-06.6 of the North Dakota Century Code, relating to motions for postjudgment custody modification.

#### 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, 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

Engrossed SB 2167 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2181:** A BILL for an Act to prohibit governmental discrimination in contracts and programs.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 32 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Mathern; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Berg; DeMers; Heitkamp; Kinnoin; LaFountain; Lee; Lindaas; Lips; Mutzenberger; Nelson, C.; Redlin; Tallackson; Thompson; Wogsland; Yockim

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

Engrossed SB 2181 passed and the title was agreed to.

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#### MOTION

**SEN. GOETZ MOVED** that Engrossed SB 2191 be moved to the bottom of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2210:** A BILL for an Act to create and enact chapter 10-33 of the North Dakota Century Code, relating to nonprofit corporations; to amend and reenact subsection 2 of section 11-10-24, sections 14-03-09, 15-17-01, 18-05-01, 26.1-14-03, 26.1-17-11, subsection 2 of section 40-01-23, subsection 12 of section 49-23-01, subsection 8 of section 54-01.1-02, section 55-03-01, subsection 2 of section 61-16.1-60, and section 61-35-29 of the North Dakota Century Code, relating to references to the Nonprofit Corporations Act; to repeal chapters 10-24, 10-25, 10-26, 10-27, and 10-28 of the North Dakota Century Code, relating to the Nonprofit Corporations Act; to provide a penalty; 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 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; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjelm, B.; Stenehjelm, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

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

Engrossed SB 2210 passed and the title was agreed to.

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**MOTION**

**SEN. GOETZ MOVED** that Engrossed SB 2344 be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2344:** A BILL for an Act to create and enact sections 10-19.1-41.1, 10-19.1-72.1, 10-19.1-73.2, 10-19.1-73.3, 10-19.1-75.1, 10-19.1-75.2, 10-19.1-76.1, 10-19.1-76.2, 10-19.1-76.3, 10-19.1-85.1, 10-19.1-132, 10-19.1-133, 10-19.1-134, 10-19.1-135, 10-19.1-136, 10-19.1-137, 10-19.1-138, 10-19.1-139, 10-19.1-140, 10-19.1-141, 10-19.1-142, 10-19.1-143, 10-19.1-144, 10-19.1-145, 10-19.1-146, 10-19.1-147, 10-19.1-148, 10-19.1-149, 10-19.1-150, 10-19.1-151, 10-19.1-152, 10-32-39.1, 10-32-40.1, 10-32-40.2, 10-32-43.1, 10-32-43.2, 10-32-48.1, 10-32-52.1, 10-32-78.1, 10-32-130.1, 10-32-130.2, 10-32-156, 57-38-07.2, and 57-38.1-17.3 of the North Dakota Century Code, relating to the North Dakota Business Corporation Act - General Provisions, the Limited Liability Company Act, limited liability partnerships, income tax, and the Uniform Division of Income Tax Act; to amend and reenact sections 10-06.1-17, 10-19.1-01, 10-19.1-10, 10-19.1-13, 10-19.1-14, 10-19.1-15, 10-19.1-16, 10-19.1-25, 10-19.1-26, 10-19.1-30, 10-19.1-31, 10-19.1-35, 10-19.1-40, 10-19.1-41, 10-19.1-42, 10-19.1-43, 10-19.1-47, 10-19.1-48, 10-19.1-50, 10-19.1-51, 10-19.1-52, 10-19.1-53, 10-19.1-55, 10-19.1-56, 10-19.1-57, 10-19.1-58, 10-19.1-59, 10-19.1-60, 10-19.1-66, 10-19.1-71, 10-19.1-72, 10-19.1-73, 10-19.1-74, 10-19.1-75, 10-19.1-76, 10-19.1-81, 10-19.1-82, 10-19.1-83, 10-19.1-85, 10-19.1-86, 10-19.1-87, 10-19.1-89, 10-19.1-90, 10-19.1-91, 10-19.1-92, 10-19.1-95, 10-19.1-110, 10-19.1-110.1, 10-19.1-115, 10-19.1-117, 10-19.1-123, 10-19.1-124, 10-19.1-127, 10-31-01, 10-31-02, 10-31-02.1, 10-31-02.2, 10-31-03, 10-31-04, 10-31-05, 10-31-07, 10-31-07.1, 10-31-07.2, 10-31-07.3, 10-31-12, 10-31-13, 10-31-13.1, 10-32-02, 10-32-06, 10-32-07, 10-32-10, 10-32-11, 10-32-12, 10-32-13, 10-32-15, 10-32-16, 10-32-17, 10-32-19, 10-32-22, 10-32-23, 10-32-28, 10-32-31, 10-32-32, 10-32-34, 10-32-37, 10-32-38, 10-32-39, 10-32-40, 10-32-42, 10-32-43, 10-32-44, 10-32-47, 10-32-48, 10-32-51, 10-32-52, 10-32-53, 10-32-54, 10-32-55, 10-32-56, 10-32-58, 10-32-64, 10-32-66, 10-32-67, 10-32-68, 10-32-72, 10-32-77, 10-32-78, 10-32-79, 10-32-80, 10-32-81, 10-32-83, 10-32-84, 10-32-85, 10-32-86, 10-32-87, 10-32-88, 10-32-89, 10-32-91, 10-32-92, 10-32-93, 10-32-94, 10-32-95, 10-32-96, 10-32-97, 10-32-99, 10-32-100, 10-32-101, 10-32-102, 10-32-103, 10-32-104, 10-32-105, 10-32-106, 10-32-107, 10-32-108, 10-32-109, 10-32-110, 10-32-113, 10-32-114, 10-32-115, 10-32-117, 10-32-119, 10-32-121, 10-32-122, 10-32-127, 10-32-135, 10-32-136, 10-32-137, 10-32-138, 10-32-139, 10-32-140, 10-32-141, 10-32-142, 10-32-143, 10-32-144, 10-32-145, 10-32-146, 10-32-147, 10-32-148, 10-32-149, 10-32-150, 10-32-152, 10-32-153, 10-32-154, 10-32-155, 45-10.1-01, 45-10.1-02, 45-10.1-03, 45-10.1-04, 45-10.1-07.1, 45-10.1-08, 45-10.1-51, 45-10.1-52, 45-10.1-53, 45-10.1-54, 45-10.1-55, 45-10.1-56, 45-10.1-57, 45-10.1-58, 45-22-01, 45-22-03, 45-22-04, 45-22-05, 45-22-06, 45-22-07,

45-22-08, 45-22-11, 45-22-12, 45-22-13, 45-22-14, 45-22-16, 45-22-17, 45-22-18, 45-22-20, 45-22-22, 45-22-23, 45-22-24, 45-22-25, 45-22-26, 45-22-27, 57-38-07.1, and 57-38.1-17.2 of the North Dakota Century Code, relating to corporations or limited liability company farming, the Business Corporation Act, the Professional Organizations Act, the Limited Liability Company Act, the Uniform Limited Partnership Act, limited liability partnerships, income tax, and the Uniform Division of Income Tax Act; to repeal sections 10-19.1-54, 10-19.1-73.1, 10-19.1-77, 10-19.1-78, 10-19.1-79, 10-19.1-80, chapters 10-22, 10-23, sections 10-32-41, 10-32-45, 10-32-46, 10-32-90, and 10-32-151 of the North Dakota Century Code, relating to the North Dakota Business Corporation Act - General Provisions, the North Dakota Business Corporation Act - Foreign Corporations, the North Dakota Business Corporation Act - Administration, Reports, Fees, Effect, and the Limited Liability Company Act; and to provide penalties.

#### MOTION

**SEN. C. NELSON MOVED** that Engrossed SB 2344 be amended as follows, which motion prevailed on a voice vote.

Page 15, line 13, overstrike "10-19.1-54" and insert immediately thereafter "10-19.1-52"

Page 261, line 25, replace "have the same" with "include in its name the" and replace "as" with "of"

Page 261, line 26, remove "that used in this state by"

Page 270, line 24, after "limited" insert "liability"

Page 290, line 15, remove "A partner of a foreign limited liability"

Page 290, remove lines 16 through 19

ReNUMBER accordingly

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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

Reengrossed SB 2344 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2220:** A BILL for an Act to amend and reenact sections 12.1-32-07 and 12.1-32-08 of the North Dakota Century Code, relating to supervision of probationers, restitution, and reimbursement of indigent defense costs from offenders.

#### 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, 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

Engrossed SB 2220 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2221:** A BILL for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to barring perpetrators of certain crimes from recovering for injuries sustained during criminal conduct.

**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, 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

Engrossed SB 2221 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2325:** A BILL for an Act to provide for a teen pregnancy prevention media program by the department of human services.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 22 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

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

Engrossed SB 2325 lost.

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**SECOND READING OF SENATE BILL**

**SB 2338:** A BILL for an Act to amend and reenact sections 15-40.1-06, 15-40.1-07, 15-40.1-08, and 57-15-14 of the North Dakota Century Code, relating to per student payments, the school district equalization factor, and tax levy limitations in school districts; and to provide an appropriation.

**REQUEST**

**SEN. WOGSLAND REQUESTED** that the Senate divide Engrossed SB 2338, which request was granted.

**DIVISION A:** Section 4 of Engrossed SB 2338.

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**DIVISION B:** The remainder of Engrossed SB 2338.

**ROLL CALL**

The question being on the adoption of Division A of Engrossed SB 2338, the roll was called and there was 1 YEA, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist

**NAYS:** 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; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman

Division A of Engrossed SB 2338 was defeated.

#### ROLL CALL

The question being on the adoption of Division B of Engrossed SB 2338, the roll was called and there were 47 YEAS, 1 NAY, 0 EXCUSED, 1 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; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**NAYS:** Yockim

**ABSENT AND NOT VOTING:** Bowman

Division B of Engrossed SB 2338 was adopted.

#### MOTION

**SEN. TRAYNOR MOVED** that the Senate reconsider its action whereby it failed to pass Engrossed SB 2242, which motion prevailed.

#### MOTION

**SEN. GOETZ MOVED** that Engrossed SB 2242 be placed at the bottom of the calendar, which motion prevailed.

#### POINT OF ORDER

**SEN. DEMERS RAISED** a Point of Order on whether the Senate should vote on the final passage of SB 2338.

#### ANNOUNCEMENT

**PRESIDENT MYRDAL ANNOUNCED** that the Senate would vote on the final passage of SB 2338, which now consisted of Division B. Senate Rule 319(4) states that after all divisions are voted on, the question is comprised of all approved divisions.

#### SECOND READING OF SENATE BILL

**SB 2338:** A BILL for an Act to amend and reenact sections 15-40.1-06, 15-40.1-07, and 15-40.1-08 of the North Dakota Century Code, relating to per student payments and the school district equalization factor; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of Engrossed SB 2338, excluding Division A and including Division B, the roll was called and there were 47 YEAS, 1 NAY, 0 EXCUSED, 1 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; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**NAYS:** Yockim

**ABSENT AND NOT VOTING:** Bowman

Reengrossed SB 2338 passed and the title was agreed to.

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**MOTION**

**SEN. GOETZ MOVED** that Senate Rule 507 be amended to read "thirty-second legislative day" in place of "thirty-first legislative day" extending the deadline for reporting bills out of committee by one day, which motion prevailed.

**MOTION**

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

**MOTION**

**SEN. GOETZ MOVED** that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Tuesday, February 18, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2004: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2004 was placed on the Sixth order on the calendar.

Page 1, line 2, after "health" insert "; to amend and reenact sections 23-09-01, 23-09-02.1, 23-09-03, 23-09-05, 23-09-06, 23-09-07, 23-09-08, 23-09-09, 23-09-10, 23-09-11, 23-09-14, 23-09-16, 23-09-17, 23-09-18, 23-09-20.1, 23-09-21, and 23-09-22 of the North Dakota Century Code, relating to the requirements for the operation of a food and lodging establishment; to repeal section 23-09-12 of the North Dakota Century Code, relating to certificates of inspection; to provide an effective date; to provide an expiration date; and to provide for a legislative council study"

Page 1, line 10, replace "25,101,601" with "25,038,634"

Page 1, line 11, replace "32,106,219" with "31,421,679"

Page 1, line 12, replace "1,293,480" with "1,280,850"

Page 1, line 14, replace "19,623,646" with "19,777,146"

Page 1, line 15, replace "78,153,089" with "77,546,452"

Page 1, line 16, replace "62,483,338" with "62,063,038"

Page 1, line 17, replace "15,669,751" with "15,483,414"

Page 2, after line 16, insert:

**"SECTION 7. AMENDMENT.** Section 23-09-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09-01. Definitions.** In this chapter, unless the context or ~~subject matter~~ otherwise requires:

1. "Bakery" means an establishment or any part of an establishment ~~which~~ that manufactures or prepares bread or bread products, pies, cakes, cookies, crackers, doughnuts, or other similar products, or candy, whether plain; chocolate or chocolate coated; mixed with nuts, fruits, or other fillers; covered with chocolate or other coating; and shaped, molded, or formed in various shapes. The term does not include food service establishments nor home cake decorators.
2. "Boardinghouse" includes every building or structure, or any part thereof, with accommodations for four or more boarders, which is kept, used, maintained, advertised, or held out to the public as a place where food is furnished to regular boarders for periods of one week or more. ~~A boardinghouse~~ The term does not include a facility providing personal care directly or through contract as defined in section 23-09.3-01 or 50-24.5-01.
3. "Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored, including a service center or base of operations directly from which mobile food units are supplied or serviced. The term

does not include an area or conveyance at a vending machine location used for the temporary storage of packaged food or beverages.

4. "Department" means the state department of health.
5. ~~"Hotel" or "motel" includes every building or structure, or any part thereof, kept, used, maintained, advertised, or held out to the public as a place where sleeping accommodations are furnished to the public for periods of less than one week, whether such accommodations are furnished with or without meals. A hotel or motel does not include a facility providing personal care directly or through contract services as defined in section 23-09.3-01 or 50-24.5-01.~~ "Food establishment" means any fixed restaurant, limited restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, catering kitchen, delicatessen, bakery, grocery store, meat market, food processing plant, or similar place in which food or drink is prepared for sale or service to the public on the premises or elsewhere with or without charge.
6. "Food processing plant" means a commercial operation that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer.
7. "Limited restaurant" means a food service establishment that is restricted to a specific menu as determined by the department or an establishment serving only prepackaged foods, such as frozen pizza and sandwiches, which receive no more than heat treatment and are served directly in the package or on single-serve articles.
7. ~~8.~~ "Lodginghouse" "Lodging establishment" includes every building or structure, or any part thereof, with accommodations for four or more persons, which is kept, used, maintained, or held out to the public as a place where sleeping accommodations are furnished to regular roomers for one week or more for pay to four or more transient guests. A lodginghouse The term ~~does not include a facility providing personal care services directly or through contract services as defined in section 23-09.3-01 or 50-24.5-01.~~
8. ~~9.~~ "Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.
9. ~~10.~~ "Proprietor" includes the person in charge of a restaurant, hotel, boardinghouse, or lodginghouse food or lodging establishment, as the case may be, whether as owner, lessee, manager, or agent.
10. ~~11.~~ "Pushcart" means a non-self-propelled vehicle limited to serving nonpotentially hazardous food or commissary-wrapped food maintained at proper temperatures.
11. ~~12.~~ "Restaurant" includes every building or other structure, or any part thereof, and all buildings in connection therewith, that are permanently kept, used, maintained, advertised, or held out to the public as a place where meals or lunches are served, but where sleeping accommodations are not furnished and. The term includes a limited restaurant restricted to a specified menu.
12. ~~13.~~ "Retail food store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for offpremise consumption. The term includes a delicatessen that offers prepared food in bulk quantities only. The term does not include an establishment that handles only prepackaged nonpotentially hazardous foods, roadside market that offers only fresh fruits and vegetables for sale, food service establishment, or food and beverage vending machine.
13. ~~14.~~ "Retail meat market" means a commercial establishment and buildings or structures connected with it, used to process, store, or display meat or meat products for retail sale to the public for human consumption. The term does not include a meat establishment operating under the federal or state meat inspection program.

14. 15. "Salvage processing facility" means an establishment engaged in the business of reconditioning or by other means salvaging distressed merchandise for human consumption or use.
15. 16. "Temporary food service establishment" means any food service establishment that operates at a fixed location for not more than fourteen consecutive days. The term does not include a nonprofit public-spirited organization or person providing a limited type of food service as defined in chapter 23-09.2.

**SECTION 8. AMENDMENT.** Section 23-09-02.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09-02.1. Smoke detection devices or other approved alarm systems - Administrative procedure and judicial review.** Each ~~hotel, motel, and lodginghouse~~ lodging establishment shall install smoke detection devices or other approved alarm systems of a type and in the number approved by the department, in cooperation with the state fire marshal. The department, in cooperation with the state fire marshal, shall adopt reasonable rules ~~and regulations pursuant to chapter 28-32~~ governing the spacing and minimum specifications for approved smoke detection devices or other approved alarm systems. The department and state fire marshal shall provide all reasonable assistance required in complying with the provisions of this section. ~~Any proceeding under this section for issuing or modifying rules and regulations and determining compliance with rules and regulations of the department must be conducted in accordance with chapter 28-32 and appeals may be taken as provided in chapter 28-32.~~

**SECTION 9. AMENDMENT.** Section 23-09-03 of the North Dakota Century Code is amended and reenacted as follows:

**23-09-03. Exiting requirements.** Every ~~hotel, motel, lodginghouse, or roominghouse~~ lodging establishment constructed in the state shall have adequate exiting as defined by the state building code in chapter 54-21.3 with the following exceptions:

1. All ~~hotels, motels, roominghouses, and lodginghouses~~ lodging establishments in existence at the time of implementation of this section are required to continue with fire escapes previously provided for within this section providing that they are deemed adequate by the local fire authority having approval, or by the state fire marshal's office.
2. If the ~~hotel, motel, roominghouse, or lodginghouse~~ lodging establishment is provided with exterior access balconies connecting the main entrance door of each unit to two stairways remote from each other.

**SECTION 10. AMENDMENT.** Section 23-09-05 of the North Dakota Century Code is amended and reenacted as follows:

**23-09-05. Fire escapes to be kept clear - Notice of location and use of fire escapes required.** Access to fire escapes required under ~~the provisions of this chapter~~ must be kept free and clear at all times of all obstructions of any ~~and every~~ nature. The proprietor of the ~~hotel, motel, lodginghouse, or roominghouse~~ lodging establishment shall provide for adequate exit lighting and exit signs as defined in the state building code, chapter 54-21.3.

**SECTION 11. AMENDMENT.** Section 23-09-06 of the North Dakota Century Code is amended and reenacted as follows:

**23-09-06. Chemical fire extinguishers - Standpipes.** Each ~~hotel, motel, roominghouse, and lodginghouse~~ lodging establishment must be provided with fire extinguishers as defined by the national fire protection association standard number ten in quantities as defined by the state building code and the state fire code. Standpipe and sprinkler systems must be installed as required by the state building code and state fire code. Fire extinguishers, sprinkler systems, and standpipe systems must conform with ~~the adopted rules of~~ adopted by the state fire marshal. A contract for sale or a sale of a fire extinguisher installation in a public building is not enforceable, if the fire extinguisher or extinguishing system is of a type not approved by the state fire marshal for such installation. No fire extinguisher of a type not approved by the state fire marshal may be sold or offered for sale within the state.

**SECTION 12. AMENDMENT.** Section 23-09-07 of the North Dakota Century Code is amended and reenacted as follows:

**23-09-07. Elevator shafts to be protected Lodging establishments with elevators - Protection to prevent spread of fire.** ~~Every hotel which is equipped with a passenger or freight elevator shall cause the shaftway thereof to be enclosed with an iron sheeting as nearly airtight as is practicable and shall provide automatic floor traps at each door in the shaft. Such appliances must be built in the most approved manner for the prevention or spread of fire by means of such shaft. All~~ After July 1, 1997, all new construction of, remodeling of, or additions to ~~hotels, motels, roominghouses, and lodginghouses~~ lodging establishments equipped with passenger or freight elevators must comply with state building code fire protection requirements.

**SECTION 13. AMENDMENT.** Section 23-09-08 of the North Dakota Century Code is amended and reenacted as follows:

**23-09-08. Bolts or locks to be supplied on doors of sleeping rooms.** The doors of all rooms used for sleeping purposes in any ~~hotel, roominghouse, or lodginghouse~~ lodging establishment within this state must be equipped with proper bolts or locks to permit the occupants of such rooms to lock or bolt ~~such the~~ doors securely from within the rooms. ~~Such~~ The locks or bolts must be constructed in a manner ~~which~~ that renders it impossible to unbolt or unlock the door from the outside with a ~~skeleton~~ key or otherwise, or to remove the key therefrom from the outside, while ~~such the~~ room is bolted or locked from within. Any ~~hotel, roominghouse, or lodginghouse~~ lodging establishment proprietor who fails to comply with the provisions of this section is guilty of a class B misdemeanor.

**SECTION 14. AMENDMENT.** Section 23-09-09 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09-09. Sanitation and safety.** Every ~~hotel, lodginghouse, boardinghouse, and restaurant~~ food and lodging establishment must be operated with strict regard for the health, safety, and comfort of its patrons. The following sanitary and safety regulations must be followed:

1. ~~Construction, drainage, plumbing.~~ Every ~~hotel, lodginghouse, boardinghouse, and restaurant~~ food and lodging establishment must be well constructed, drained, and provided with plumbing equipment according to established sanitary principles and must be kept free from effluvia arising from any sewerage, drain, privy, or other source within the control of the proprietor.
2. ~~Lavatories, baths, sinks, drains connected with sewerage.~~ In municipalities in which a system of public water supply and sewerage is maintained, every ~~hotel, lodginghouse, and restaurant~~ food and lodging establishment must be equipped with suitable toilets for the accommodation of its guests, and such toilets must be ventilated and connected by proper means of flushing with the water of said system. All lavatories, bathtubs, sinks, drains, and toilets must be connected with such sewerage system and installed according to all applicable plumbing codes. ~~Separate toilets must be furnished for each sex, each being properly designated.~~
3. ~~Open toilets.~~ When a sewerage system is not available, open toilets must be located not less than forty feet [12.19 meters] from all kitchens, dining rooms, and pantry openings and must be properly cleaned, screened, and disinfected as often as may be necessary to keep them in a sanitary condition. ~~Separate open toilets must be furnished for each sex, each being properly designated.~~
4. ~~Garbage and kitchen refuse.~~ All garbage and kitchen refuse must be kept in watertight containers with tight-fitting covers to prevent decomposition. No dishwater or other substance which is or may become foul or offensive may be thrown upon the ground near any ~~hotel or restaurant building~~ food or lodging establishment.
5. ~~Bedrooms and bedding.~~ All bedrooms must be kept free from vermin insects and rodents, and the bedding in use must be clean and sufficient in quantity and quality. ~~All sheets must be at least eight feet [2.44 meters] in length. In hotels or lodginghouses in which fifty cents or more per night is charged for lodging, the sheets and pillowcases must be changed after the~~

departure of each guest, and it is unlawful to have upon a bed of any such hotel or lodginghouse a mattress of a lower grade than that commonly known to the trade as cotton felt combination. Each mattress must weigh at least thirty five pounds [15.88 kilograms] unless it is a hair mattress, in which case it must weigh thirty pounds [13.61 kilograms] or more.

6. ~~Towels. Each guest in a hotel or lodginghouse must be furnished with at least two towels.~~
7. ~~Towels in public washroom. Each hotel or restaurant food or lodging establishment shall keep in its main public washroom and available at all hours individual towels or disposable paper towels, a continuous towel system that supplies the user with a clean towel, or a heated air hand drying device for the use of its guests.~~
8. ~~Cleaning carpets. If bedrooms in a hotel or lodginghouse are carpeted, the carpets must be thoroughly cleaned at least once each year.~~
9. ~~Fumigation when guest has infectious or contagious disease. In all cases where a patient having an infectious or contagious disease has been confined in a hotel room, the room, upon removal of such patient, must be closed and disinfected. Upon the completion of the disinfection, the certificate of a reputable physician to that fact must be forwarded to the department.~~
10. ~~7. Ventilation. Each room in a hotel or lodginghouse must be properly ventilated by at least one window and by a doorway leading into the hall. Every hotel and lodginghouse must be equipped during the winter months with storm windows installed in such a way that the same may be opened and closed at will. If storm windows having slides thereon are used, such slides must open and close over an opening of not less than ten inches [254 millimeters] by ten inches [254 millimeters]. Bathrooms, toilet rooms, and laundry rooms must be provided with either natural or mechanical ventilation connect directly to the outside.~~
11. ~~8. Screens during the summer months. All hotels, restaurants, lodginghouses, and boardinghouses food or lodging establishments shall equip their operable windows during the summer months with screens adequate to keep out flies and mosquitoes insects.~~
12. ~~9. Hotel kitchen or dining room not used for sleeping room. Neither the dining room nor kitchen of any hotel or restaurant food or lodging establishment may be used as a sleeping or dressing room by any employee of the hotel or restaurant or by any other person.~~
13. ~~Disposition of ashes. A metal container must be provided to hold ashes when any ashes are stored in or around a hotel building.~~
14. ~~Cooking utensils, sanitation of foodstuffs. No rusted tin or iron vessel or utensil may be used in cooking food, and all foodstuffs must be kept in a clean and suitable place, free from dampness and contact with dirty water.~~
15. ~~Dishes. No dishes that are badly cracked or chipped on the top or side, nor any chipped glasses, may be used in any restaurant or boardinghouse.~~
16. ~~Sanitation of kitchen. The floors, closets, cupboards, and walls of all kitchens must be kept free from dirt at all times and no dust or grease may be allowed to collect thereon.~~
17. ~~Common drinking cup prohibited. The use of the common drinking cup in hotels, lodginghouses, dining rooms, or restaurants is prohibited. Water supplies for common drinking use must be kept covered or protected at all times to avoid contamination from dust, dirt, and flies.~~

**SECTION 15. AMENDMENT.** Section 23-09-10 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09-10. Drinking water standards.** Every person operating a hotel, restaurant, lodginghouse, or boardinghouse food or lodging establishment shall see that the drinking water supplied therein is pure and free from disease germs. The source of

~~supply of such water must be far enough removed from open toilet vaults, barns, hogpens, chicken yards, manure piles, or other means of contamination to prevent drainage therefrom to the wells or other sources of supply. The water supply may not contain bacteriological, chemical, or physical impurities which affect, or tend to affect, public health, must meet the bacteriological standards of the United States public health service for waters used upon public or interstate common carriers, and is subject to examination by the department. If it is unfit for drinking under these requirements, it either must be improved to fulfill the standards or the use thereof must be discontinued obtained from an approved source that is a public water system or a nonpublic water system that is constructed, maintained, and operated according to law.~~

**SECTION 16. AMENDMENT.** Section 23-09-11 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09-11. Inspection - Reports.** ~~Every hotel, restaurant, lodginghouse, and boardinghouse~~ lodging establishment must be inspected at least once every two years by the department. Food establishments must be inspected based on a system of risk categorization which involves types of foods served, the preparation steps these foods require, volume of food, population served, and previous compliance history. Every food establishment must be inspected at least once every year. The department and its inspectors may enter any such establishment at reasonable hours to determine compliance with this chapter.

**SECTION 17. AMENDMENT.** Section 23-09-14 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09-14. ~~State department of health and its inspectors~~ Department to report to state fire marshal.** ~~Each inspector of the state~~ The department of health, on or before the sixth day of each month, shall report to the state fire marshal on all hotels, restaurants, boardinghouses, and lodginghouses food and lodging establishments inspected by the inspector department during the preceding month, paying particular attention in such the report to the violation of any provision of this chapter relating to fire escapes and the installation and maintenance of automatic or other fire alarms and fire extinguishing equipment and to any other condition which that might constitute a fire hazard in the premises so inspected. If no such violation or condition is found, the report must so state.

**SECTION 18. AMENDMENT.** Section 23-09-16 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09-16. License - Application.** ~~Before any hotel, lodginghouse, restaurant, or boardinghouse~~ food or lodging establishment may be operated in this state, it must be licensed by the department. ~~A limited restaurant license may be issued by the department to a licensee and a limited restaurant is restricted to a specified menu. The department may adopt rules relating to limited restaurants. The department shall waive the license requirement for any food and lodging establishment licensed by a city or district health unit.~~ Application for license must be made to the department during December of every year, or prior to before the operating of the hotel, restaurant, lodginghouse, or boardinghouse food or lodging establishment, as the case may be. Such The application must be in writing on forms furnished by the department and must be accompanied by the required fee. An additional amount of fifty percent of the license fee must be imposed upon renewal if the license was not renewed before February first following the expiration date.

**SECTION 19. AMENDMENT.** Section 23-09-17 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09-17. License fees.** The following annual license fees must be paid to the department by proprietors of ~~hotels, restaurants, boardinghouses, lodginghouses, and other food and food service~~ food and lodging establishments:

1. For a ~~hotel or lodginghouse~~ lodging establishment containing not more than three sleeping rooms, twenty dollars.
2. For a ~~hotel or lodginghouse~~ lodging establishment containing at least four but not more than ten sleeping rooms, thirty dollars.
3. For a ~~hotel or lodginghouse~~ lodging establishment containing more than ten sleeping rooms and not more than twenty sleeping rooms, forty-five dollars.

4. For a ~~hotel or lodginghouse~~ lodging establishment containing more than twenty sleeping rooms and not more than fifty sleeping rooms, sixty dollars.
5. For a ~~hotel or lodginghouse~~ lodging establishment containing fifty-one sleeping rooms or more, eighty dollars.
6. For a restaurant or boardinghouse with a seating capacity of less than seventy-five, ~~thirty-five~~ fifty dollars.
7. For a restaurant or boardinghouse with a seating capacity of seventy-five to not more than one hundred fifty, ~~forty-five~~ sixty-five dollars.
8. For a restaurant or boardinghouse with a seating capacity of more than one hundred fifty, ~~fifty-five~~ seventy dollars.
9. For a limited restaurant, ~~twenty-five~~ forty dollars.
10. For a retail food store, retail meat market, or bakery with not more than five thousand square feet [464.52 square meters], ~~twenty-five~~ forty dollars.
11. For a retail food store, retail meat market, or bakery with more than five thousand square feet [464.52 square meters], ~~forty~~ fifty dollars.
12. For a bar or tavern dispensing beer, liquor, or alcoholic beverages, ~~twenty~~ thirty dollars.
13. For an establishment operating one or more mobile food units or pushcarts, ~~twenty-five~~ forty dollars.
14. For a salvaged food distributor, ~~twenty-five~~ forty dollars.
15. For a food processing plant, fifty dollars.

If a business operates more than one type of establishment on the same premises and under the same management, the department shall issue a single license ~~must be issued by the department~~ stating the types of establishments the business is licensed for and the maximum license fee charged may not exceed seventy-five dollars for an establishment with not more than five thousand square feet [464.52 square meters] and one hundred fifty dollars for an establishment over five thousand square feet [464.52 square meters]. The department shall waive all or a portion of the license fee for any ~~restaurant, limited restaurant, boardinghouse, or other food or food service~~ lodging establishment that is subject to a license fee by a city or district health unit if the local unit's sanitation, safety, and inspection rules are approved by the department. A reduced license fee in the amount of one-half the applicable license fee must be charged for a new food and lodging establishment beginning operations after July first of each year and for changes in ownership and location of such existing establishments after July first of each year.

**SECTION 20. AMENDMENT.** Section 23-09-17 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09-17. License fees.** The following annual license fees must be paid to the department by proprietors of ~~hotels, restaurants, boardinghouses, lodginghouses, and other food and food service~~ food and lodging establishments:

1. For a ~~hotel or lodginghouse~~ lodging establishment containing not more than three sleeping rooms, twenty dollars.
2. For a ~~hotel or lodginghouse~~ lodging establishment containing at least four but not more than ten sleeping rooms, thirty dollars.
3. For a ~~hotel or lodginghouse~~ lodging establishment containing more than ten sleeping rooms and not more than twenty sleeping rooms, forty-five dollars.
4. For a ~~hotel or lodginghouse~~ lodging establishment containing more than twenty sleeping rooms and not more than fifty sleeping rooms, sixty dollars.

5. For a ~~hotel or lodginghouse~~ lodging establishment containing fifty-one sleeping rooms or more, eighty dollars.
6. For a restaurant or boardinghouse with a seating capacity of less than seventy-five, ~~thirty-five~~ sixty dollars.
7. For a restaurant or boardinghouse with a seating capacity of seventy-five to not more than one hundred fifty, ~~forty-five~~ eighty dollars.
8. For a restaurant or boardinghouse with a seating capacity of more than one hundred fifty, ~~fifty-five~~ eighty-five dollars.
9. For a limited restaurant, ~~twenty-five~~ fifty dollars.
10. For a retail food store, retail meat market, or bakery with not more than five thousand square feet [464.52 square meters], ~~twenty-five~~ fifty dollars.
11. For a retail food store, retail meat market, or bakery with more than five thousand square feet [464.52 square meters], ~~forty~~ sixty dollars.
12. For a bar or tavern dispensing beer, liquor, or alcoholic beverages, ~~twenty~~ forty dollars.
13. For an establishment operating one or more mobile food units or pushcarts, ~~twenty-five~~ fifty dollars.
14. For a salvaged food distributor, ~~twenty-five~~ fifty dollars.
15. For a food processing plant, fifty dollars.

If a business operates more than one type of establishment on the same premises and under the same management, the department shall issue a single license ~~must be issued by the department~~ stating the types of establishments the business is licensed for and the maximum license fee charged may not exceed seventy-five dollars for an establishment with not more than five thousand square feet [464.52 square meters] and one hundred fifty dollars for an establishment over five thousand square feet [464.52 square meters]. The department shall waive all or a portion of the license fee for any ~~restaurant, limited restaurant, boardinghouse, or other~~ food or food service lodging establishment that is subject to a license fee by a city or district health unit if the local unit's sanitation, safety, and inspection rules are approved by the department. A reduced license fee in the amount of one-half the applicable license fee must be charged for a new food and lodging establishment beginning operations after July first of each year and for changes in ownership and location of such existing establishments after July first of each year.

**SECTION 21. AMENDMENT.** Section 23-09-18 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09-18. Failure to comply with ~~provisions of chapter - Notice - How served.~~** Whenever the proprietor of any ~~hotel, restaurant, lodginghouse, or boardinghouse~~ food or lodging establishment fails to comply with this chapter, the proprietor must be given notice of the time within which the proprietor must meet the requirements. The notice must be in writing and delivered personally by an inspector of the department or sent by registered mail.

**SECTION 22. AMENDMENT.** Section 23-09-20.1 of the North Dakota Century Code is amended and reenacted as follows:

**23-09-20.1. Guest record.** A record must be kept in each ~~hotel or lodginghouse~~ lodging establishment in which every individual patronizing ~~such hotel or lodginghouse~~ the lodging establishment shall write ~~his or her~~ that individual's name and address and the number of members in ~~his or her~~ the party who will occupy a room or rooms therein.

**SECTION 23. AMENDMENT.** Section 23-09-21 of the North Dakota Century Code is amended and reenacted as follows:

**23-09-21. Penalty - General.** Any person operating a ~~hotel, restaurant, lodginghouse, or boardinghouse~~ food or lodging establishment in this state, or letting a

building used for such business, without first having complied with ~~the provisions of this chapter~~, is guilty of a class B misdemeanor.

**SECTION 24. AMENDMENT.** Section 23-09-22 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**23-09-22. License canceled.** Whenever the proprietor of a ~~hotel, restaurant, lodginghouse, or boardinghouse~~ food or lodging establishment has been convicted of a violation of ~~any provision of this chapter~~ and for a period of ten days after the conviction fails to comply with any provision ~~thereof of this chapter~~, the department may cancel the proprietor's license.

**SECTION 25. REPEAL.** Section 23-09-12 of the North Dakota Century Code is repealed.

**SECTION 26. EFFECTIVE DATE - EXPIRATION DATE.** Section 19 of this Act becomes effective on January 1, 1998, and expires as of January 1, 1999. Section 20 of this Act becomes effective on January 1, 1999.

**SECTION 27. LEGISLATIVE COUNCIL STUDY - EMERGENCY MEDICAL SERVICES.** The legislative council shall consider studying emergency medical services during the 1997-98 interim. If conducted, the study should include a review of the emergency medical services system, the training and equipment funding needs of emergency medical providers, and the role of emergency medical services in trauma care coordination."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 301 - DEPARTMENT OF HEALTH

SENATE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	REDUCE OPERATING EXPENSES	REMOVE TRAUMA CARE COORDINATOR	REDUCE PHYSICIAN LOAN PROGRAM	REDUCE EQUIPMENT	ADJUST GRANTS LOCAL HEALTH DISTRICTS	SUBTOTAL SENATE CHANGES	SENATE VERSION
Salaries and wages	\$25,101,601		\$ (62,967)				\$ (62,967)	\$25,038,634
Operating expenses	32,106,219	\$(627,507)	(57,033)				(684,540)	31,421,679
Equipment	1,293,480				\$(12,630)		(12,630)	1,280,850
Capital improvements	28,143							28,143
Grants	<u>19,623,646</u>			<u>\$(25,000)</u>		<u>\$178,500</u>	<u>153,500</u>	<u>19,777,146</u>
Total	\$78,153,089	\$(627,507)	\$(120,000)	\$(25,000)	\$(12,630)	\$178,500	\$(606,637)	\$77,546,452
Special funds	\$62,483,338	\$(411,017)					(420,300)	\$62,063,038
General fund	\$15,669,751	\$(216,490)	\$(120,000)	\$(25,000)	\$(3,347)	\$178,500	(186,337)	\$15,483,414
FTE Positions	311		(1)					310

This amendment increases the food and lodging inspection fees as follows on January 1, 1998, and 1999:

ESTABLISHMENT	CURRENT FEE	PROPOSED FEE JANUARY 1, 1998	PROPOSED FEE JANUARY 1, 1999
Restaurant or boardinghouse			
- capacity less than 75	\$35	\$50	\$60
- capacity 75 to 150	45	65	80
- capacity more than 150	55	70	85
Limited restaurant	25	40	50
Retail food store - less than 5,000 square feet	25	40	50
Retail food store - more than 5,000 square feet	40	50	60
Bar or tavern	20	30	40
Mobile food units	25	40	50
Salvaged food distributor	25	40	50
Food processing plant	0	50	50

It is anticipated the fee increases will generate general fund revenue of \$101,199 for the 1997-99 biennium.

The amendment also includes a Legislative Council study of emergency medical services during the 1997-98 interim.

#### REPORT OF STANDING COMMITTEE

**SB 2013: 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 2013 was placed on the Sixth order on the calendar.

Page 1, line 2, after "lands" insert "; and to amend and reenact section 15-03-04 of the North Dakota Century Code, relating to investments by the board of university and school lands"

Page 1, line 11, replace "5,003,904" with "5,000,000"

Page 1, line 12, replace "7,473,102" with "7,469,198"

Page 1, remove lines 13 through 16

Page 1, line 17, replace "\$5,003,904" with "\$5,000,000"

Page 2, after line 8, insert:

**"SECTION 5. AMENDMENT.** Section 15-03-04 of the North Dakota Century Code is amended and reenacted as follows:

**15-03-04. Legal investments.** Subject to the provisions of section 15-03-05, the board of university and school lands shall apply the prudent investor rule in investing the permanent funds under its control. The "prudent investor rule" means that in making investments the board shall exercise the same judgment and care, under the circumstances then prevailing and limitations of North Dakota and federal law, that an institutional investor of ordinary prudence, discretion, and intelligence exercises in the management of large investments entrusted to it, not in regard to speculation but in regard to the permanent disposition of funds, considering probable safety of capital as well as probable income. Notwithstanding any investments made before to July 1, 1997, the board may not use any funds entrusted to it to purchase, as sole owner, commercial or residential real property in North Dakota without prior approval of the legislative assembly."

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 226 - LAND DEPARTMENT

This amendment removes Section 2, which provides additional information relating to object code-based line item amounts. These amounts are reflected in the purpose of amendment.

This amendment also reduces the Energy Development Impact Office (EDIO) line item by \$3,904, reducing the EDIO line item to \$5 million. North Dakota Century Code Section 57-51-15 provides that in a biennium, no more than \$5 million of gross production tax revenue may be allocated to the oil and gas impact grant fund. This amendment also prohibits the Board of University and School Lands from investing in real property without prior legislative approval and makes the following line item changes:

(By program-based line items)

	1997-99 EXECUTIVE RECOMMENDATION	EDIO REDUCTION	TOTAL CHANGES	SENATE VERSION
Assets management	\$2,469,198			\$2,469,198
Energy Development Impact Office	5,003,904	\$(3,904)	\$(3,904)	5,000,000
Total	\$7,473,102	\$(3,904)	\$(3,904)	\$7,469,198
General fund				
Other funds	\$7,473,102	\$(3,904)	\$(3,904)	\$7,469,198
Total	\$7,473,102	\$(3,904)	\$(3,904)	\$7,469,198

(By object code-based line items)

	1997-99 EXECUTIVE RECOMMENDATION	EDIO REDUCTION	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$1,713,110			\$1,713,110
Operating expenses	655,456	\$(3,904)	\$(3,904)	651,552
Equipment	34,000			34,000
Grants	5,070,536			5,070,536
Total	\$7,473,102	\$(3,904)	\$(3,904)	\$7,469,198
General fund				
Other funds	\$7,473,102	\$(3,904)	\$(3,904)	\$7,469,198
Total	\$7,473,102	\$(3,904)	\$(3,904)	\$7,469,198

#### REPORT OF STANDING COMMITTEE

**SB 2042, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (7 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2042 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2051, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2051 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2053, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2053 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2061: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2061 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 21-03-07 of the North Dakota Century Code, relating to the vote required to approve issuance of certain bonds by political subdivisions.

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

**SECTION 1.** A new subsection to section 21-03-07 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

The sixty percent vote requirement of this section does not apply and the governing body of a municipality may issue bonds by authorization by a vote equal to at least fifty-five percent of the qualified voters of the municipality voting upon the question of the issuance of bonds for the following purposes:

- a. To provide funds for emergency repairs to school buildings. For purposes of this subdivision, "emergency repairs" means repairs necessitated by a natural disaster, fire, explosion, building collapse, or other unforeseen destructive event.
- b. To provide funds for improvements necessary to comply with federal law, rules, or regulations governing health, safety, or accessibility in public buildings."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2109: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2109 was placed on the Sixth order on the calendar.

Page 1, line 2, replace the second "section" with "sections 39-06-18,"

Page 1, line 3, remove "paragraph 31 of subdivision a of subsection 3 of section 39-06.1-10,"

Page 1, line 6, remove "notice of"

Page 1, line 7, remove "points for speeding violations,"

Page 2, after line 31, insert:

**"SECTION 5. AMENDMENT.** Section 39-06-18 of the North Dakota Century Code is amended and reenacted as follows:

**39-06-18. Duplicate certificates.** In the event that a permit or license issued under ~~the provisions of~~ this chapter is lost, mutilated, or destroyed, or contains erroneous information due to a change in name, address, or for any other reason, the person to whom the same was issued may obtain a duplicate, or substitute ~~thereof~~, upon furnishing proof satisfactory to the commissioner that ~~such the~~ permit or license has been lost, mutilated, or destroyed, or is erroneous, and upon payment of ~~an eight dollar~~ a fee. The fee is eight dollars for a duplicate or substitute permit or license for a license or permit that was lost, mutilated, or destroyed, or is being replaced for any other reason, except the fee is three dollars for a duplicate or substitute permit or license for a license or permit that contains erroneous information due to a change in name or address."

Page 3, remove lines 19 through 31

Page 4, remove lines 1 through 5

Page 5, line 12, replace "action" with "rating"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2132: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2132 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2144, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

**PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2144 was placed on the Sixth order on the calendar.

Page 4, line 11, after "involved" insert ", upon the advice of its actuary that the pension schedule can be implemented on an actuarially sound basis and notification to the legislative council's employee benefits programs committee"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2159: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2159 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "9" with "38" and replace "39-24-01" with "39-01-01"

Page 1, line 4, after the first "to" insert "the definition of a motor vehicle and"

Page 1, replace lines 6 through 10 with:

**"SECTION 1. AMENDMENT.** Subsection 38 of section 39-01-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

38. "Motor vehicle" includes every vehicle ~~which~~ that is self-propelled, every vehicle ~~which~~ that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and, for purposes of motor vehicle registration, title registration, and operator's licenses, motorized bicycles. The term does not include a snowmobile as defined in section 39-24-01."

Page 1, line 12, replace "**No**" with "**A**", after "may" insert "not", after "snowmobile" insert ", and an owner of a snowmobile may not knowingly permit the snowmobile to be operated,", and replace "a roadway, shoulder, or inside bank or" with "any property maintained, leased, or owned by the state parks and recreation department"

Page 1, line 13, remove "slope of any highway, or upon a trail or other public or private area"

Page 1, line 15, replace "as required by section 39-08-20 and in accordance with" with "which insures the person named, and any person using the snowmobile with the express or implied permission of the person named, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the snowmobile within this state, subject to the following limits, exclusive of interest and costs, with respect to each snowmobile: twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and twenty-five thousand dollars because of injury to or destruction of property of others in any one accident. Upon request of a law enforcement officer, a person operating a snowmobile shall provide proof of liability insurance to that officer within twenty days"

Page 1, line 16, remove "chapter 39-16.1"

Page 1, line 20, replace "Notwithstanding section 39-08-20, any" with "Any"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2160: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2160 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 20.1-02-15.1 and chapter 39-24.1 of the North Dakota Century Code, relating to implied consent for snowmobile operators; to amend and reenact subdivision c of subsection 5 of section 39-24-09 of the North Dakota Century Code, relating to driving a snowmobile while under the influence of an intoxicating liquor or drug; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Subdivision c of subsection 5 of section 39-24-09 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- c. While under the influence of intoxicating liquor or a ~~controlled substance~~ drug as defined in section 39-24.1-01, or a combination thereof.

**SECTION 2. AMENDMENT.** A new subsection to section 20.1-02-15.1 of the North Dakota Century Code is created and enacted as follows:

To enforce chapter 39-24.1.

**SECTION 3.** Chapter 39-24.1 of the North Dakota Century Code is created and enacted as follows:

**39-24.1-01. Implied consent to determine alcoholic and drug content of blood.** A person who operates a snowmobile in this state is deemed to have given consent, and shall consent, subject to this chapter, to a chemical test, or tests, of the blood, breath, saliva, or urine for the purpose of determining the alcoholic, other drug, or combination thereof, content of the blood. As used in this chapter, the definitions in section 39-24-01 apply, and in addition, "chemical test" means any test or tests to determine the alcoholic, other drug, or combination thereof, content of the blood, breath, saliva, or urine, approved by the state toxicologist under this chapter; and "drug" means any drug or substance or combination of drugs or substances which renders a person incapable of safely operating a snowmobile. The chemical test must be administered at the direction of a law enforcement officer only after placing the person, except persons mentioned in section 39-24.1-04, under arrest and informing that person that the person is or will be charged with the offense of operating a snowmobile while under the influence of intoxicating liquor, drugs, or a combination thereof. For the purposes of this chapter, the taking into custody of a minor under section 27-20-13 satisfies the requirement of an arrest. The law enforcement officer shall also inform the person charged that refusal of the person to submit to the chemical test determined appropriate will result in that person being prohibited from operating a snowmobile for up to three years. The law enforcement officer shall determine the chemical test to be used. When a minor is taken into custody for violating subdivision c of subsection 5 of section 39-24-09, the law enforcement officer shall diligently attempt to contact the minor's parent or legal guardian to explain the cause for the custody and the implied consent chemical testing requirements. Neither the law enforcement officer's efforts to contact, nor any consultation with, a parent or legal guardian may be permitted to interfere with the administration of chemical testing requirements under this chapter.

**39-24.1-02. Chemical test of operator in serious bodily injury or fatal accident.** Notwithstanding section 39-24.1-01 or 39-24.1-06, when the operator of a snowmobile is involved in an accident resulting in the death or serious bodily injury, as defined in section 12.1-01-04, of another person, and there is probable cause to believe that the operator is in violation of subdivision c of subsection 5 of section 39-24-09, the operator may be compelled by a law enforcement officer to submit to a chemical test.

**39-24.1-03. Persons qualified to administer chemical test and opportunity for additional test.** Only a physician, or a qualified technician, chemist, or registered nurse acting at the request of a law enforcement officer may withdraw blood for the purpose of determining the alcoholic, drug, or combination thereof, content of the blood. This limitation does not apply to the taking of a breath, saliva, or urine specimen. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of that person's own choosing administer a chemical test in addition to any administered at the direction of a law enforcement officer with all costs of the additional chemical test to be the responsibility of the person charged. The failure or inability to obtain an additional chemical test by a person does not preclude the admission of the chemical test taken at the direction of a law enforcement officer. Upon the request of the person who is tested, a copy of the operational checklist and test record of a breath sample test or analytical report of a blood, urine, or saliva sample test taken at the direction of the law enforcement officer must be made available to that person by the law enforcement agency that administered the chemical test.

**39-24.1-04. Consent of person incapable of refusal not withdrawn.** Any person who is dead, unconscious, or otherwise in a condition rendering that person

incapable of refusal is deemed not to have withdrawn the consent provided by section 39-24.1-01 and the chemical test may be given.

**39-24.1-05. Action following chemical test result for a snowmobile operator.** If a person submits to a chemical test under section 39-24.1-01, 39-24.1-03, or 39-24.1-04 and the test shows that person to have the presence of a drug in that person's body or an alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of the test within two hours after the operating of a snowmobile, the following procedures apply:

1. The law enforcement officer immediately shall issue a statement of intent to prohibit the person from operating a snowmobile. The issuance of a statement of intent to prohibit the person from operating a snowmobile serves as the director's official notification to the person of the director's intent to prohibit the person from operating a snowmobile in this state.
2. If a chemical test administered under section 39-24.1-01 or 39-24.1-04 was by saliva or urine sample or by drawing blood as provided in section 39-24.1-03 and the person tested does not reside in an area in which the law enforcement officer has jurisdiction, the law enforcement officer shall, on receiving the analysis of the saliva, urine, or blood from the state toxicologist and if the analysis shows that person had the presence of a drug in that person's body or an alcohol concentration of at least ten one-hundredths of one percent by weight, either proceed in accordance with subsection 1 during that person's reappearance within the officer's jurisdiction or notify a law enforcement agency having jurisdiction where the person resides. On that notification, that law enforcement agency immediately shall issue a statement of intent to prohibit the person from operating a snowmobile. The issuance of a statement of intent to prohibit the person from operating a snowmobile serves as the director's official notification to the person of the director's intent to prohibit the person from operating a snowmobile in this state.
3. The law enforcement officer, within five days of issuing the statement of intent, shall forward to the director a certified written report in the form required by the director. If the statement was given because of the results of a chemical test, the report must show that the officer had probable cause to believe the person had been operating a snowmobile while in violation of subdivision c of subsection 5 of section 39-24-09, that the person was lawfully arrested, that the person was chemically tested under this chapter, and that the results of the test show that the person had a drug in that person's body or an alcohol concentration of at least ten one-hundredths of one percent by weight. In addition to the report, the law enforcement officer shall forward to the director a certified copy of the operational checklist and test records of a breath test and a copy of the certified copy of the analytical report for a blood, saliva, or urine test for all tests administered at the direction of the officer.

**39-24.1-06. Revocation of privilege to operate snowmobile upon refusal to submit to testing.**

1. If a person refuses to submit to testing under section 39-24.1-01, no chemical test may be given, but the law enforcement officer immediately shall issue to that person a statement of intent to prohibit the person from operating a snowmobile. The statement serves as the director's official notification to the person of the director's intent to prohibit the person from operating a snowmobile in this state and of the hearing procedures under this chapter. The director, upon the receipt of the certified written report of the law enforcement officer in the form required by the director, forwarded by the officer within five days after issuing the statement of intent, showing that the officer had probable cause to believe the person had been operating a snowmobile while in violation of subdivision c of subsection 5 of section 39-24-09 or had observed that the snowmobile was operated in a negligent, reckless, or hazardous manner as defined by the director by rule, that the person was lawfully arrested if applicable, and that the person had refused to submit to the chemical test under section 39-24.1-01, shall prohibit the person from operating a snowmobile in this state for the appropriate period under this section. The period for which a person is prohibited from operating a snowmobile under this section is:

- a. One year if the person's record shows that within the five years preceding the most recent refusal under this section, the person has not been prohibited from operating a snowmobile for a violation of this chapter or for a violation of subdivision c of subsection 5 of section 39-24-09.
  - b. Two years if the person's record shows that within the five years preceding the most recent refusal under this section, the person has once been prohibited from operating a snowmobile for a violation of this chapter or for a violation of subdivision c of subsection 5 of section 39-24-09.
  - c. Three years if the person's record shows that within the five years preceding the most recent refusal under this section, the person has twice been prohibited from operating a snowmobile under this chapter or for a violation of subdivision c of subsection 5 of section 39-24-09 and the prohibitions resulted from at least two separate arrests.
2. A person may not be prohibited from operating a snowmobile under this section if:
- a. No administrative hearing request is made under section 39-24.1-08;
  - b. The person mails an affidavit to the director within ten days after the law enforcement officer issues the statement of intent. The affidavit must state that the person:
    - (1) Intends to voluntarily plead guilty to violating subdivision c of subsection 5 of section 39-24-09 within twenty-five days after the law enforcement officer issues the statement of intent;
    - (2) Agrees that the person may not operate a snowmobile for the appropriate period;
    - (3) Acknowledges the right to a section 39-24.1-08 administrative hearing and section 39-24.1-09 judicial review and voluntarily and knowingly waives these rights; and
    - (4) Agrees that the person may not operate a snowmobile for the appropriate period as provided under this section without an administrative hearing or judicial review, if the person does not plead guilty within twenty-five days after the law enforcement officer issues the statement of intent, or the court does not accept the guilty plea, or the guilty plea is withdrawn;
  - c. The person pleads guilty to violating subdivision c of subsection 5 of section 39-24-09 within twenty-five days after the law enforcement officer issues the statement of intent;
  - d. The court accepts the person's guilty plea and a notice of that fact is mailed to the director within twenty-five days after the law enforcement officer issues the statement of intent; and
  - e. A copy of the final order or judgment of conviction evidencing the acceptance of the person's guilty plea is received by the director prior to the end of the prohibition from operating a snowmobile.
3. The court shall mail a copy of an order granting a withdrawal of a guilty plea to violating subdivision c of subsection 5 of section 39-24-09 to the director within ten days after it is ordered. Upon receipt of the order, the director immediately shall prohibit the person from operating a snowmobile as provided under this section without providing an administrative hearing.

**29-24.1-07. Administrative sanction for operating snowmobile while having certain drug concentrations.** After the receipt of the certified report of a law enforcement officer and if no written request for hearing has been received from the arrested person under section 39-24.1-08, or if that hearing is requested and the findings, conclusion, and decision from the hearing confirm that the law enforcement officer had probable cause to arrest the person and chemical test results show that the arrested person was operating a snowmobile while having a drug in that person's body

or an alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of a test within two hours after operating a snowmobile, the director shall prohibit the person from operating any snowmobile in this state as follows:

1. For ninety-one days if the person's record shows that, within the five years preceding the date of the arrest, the person has not previously violated subdivision c of subsection 5 of section 39-24-09 or the person has not been prohibited from operating a snowmobile under this chapter.
2. For three hundred sixty-four days if the person's record shows that, within the five years preceding the date of the arrest, the person has once previously violated subdivision c of subsection 5 of section 39-24-09 or the person has once been prohibited from operating a snowmobile under this chapter.
3. For two years if the person's record shows that within the five years preceding the date of the arrest, the person has twice been prohibited from operating a snowmobile under this chapter, or for a violation of subdivision c of subsection 5 of section 39-24-09, or any combination thereof, and the prohibitions resulted from at least two separate arrests.

**39-24.1-08. Administrative hearing on request.**

1. Before prohibiting a person from operating a snowmobile under section 39-24.1-06 or 39-24.1-07, the director shall afford that person an opportunity for a hearing if the person mails a request for the hearing to the director within ten days after the date the law enforcement officer issued a statement of intent to prohibit the person from operating a snowmobile. The hearing must be held within twenty-five days after the date of issuance of the statement of intent, but the hearing officer may extend the hearing to within thirty-five days after the issuance of the statement of intent if good cause is shown.
2. If the issue to be determined by the hearing concerns the prohibition from operating a snowmobile for operating a snowmobile while having a drug in that person's body or an alcohol concentration of at least ten one-hundredths of one percent by weight, the hearing must be before a hearing officer assigned by the director and at a time and place designated by the director. The hearing must be recorded and its scope may cover only the issues of whether the arresting officer had probable cause to believe the person had been operating a snowmobile in violation of subdivision c of subsection 5 of section 39-24-09; whether the person was placed under arrest; whether the person was tested in accordance with section 39-24.1-01 or 39-24.1-04 and, if applicable, section 39-24.1-03; and whether the chemical test results show the person had a drug in that person's body or an alcohol concentration of at least ten one-hundredths of one percent by weight. For purposes of this section, a copy of a certified copy of an analytical report of a blood, urine, or saliva sample from the state toxicologist, or a certified copy of the checklist and test records from a certified breath test operator establish prima facie the alcohol, other drug, or a combination thereof concentration shown therein. Whether the person was informed that that person may be prohibited from operating a snowmobile based on the results of the chemical test is not an issue.
3. If the issue to be determined by the hearing concerns the prohibition from operating a snowmobile for refusing to submit to a chemical test under section 39-24.1-01, the hearing must be before a hearing officer assigned by the director at a time and place designated by the director. The hearing must be recorded. The scope of a hearing for refusing to submit to a chemical test under section 39-24.1-01 may cover only the issues of whether a law enforcement officer had probable cause to believe the person had been operating a snowmobile in violation of subdivision c of subsection 5 of section 39-24-09; whether the person was placed under arrest; and whether that person refused to submit to the chemical test.
4. At a hearing under this section, the regularly kept records of the director may be introduced. Those records establish prima facie their contents without further foundation. For purposes of this chapter, any copy of a certified copy of an analytical report of a blood, urine, or saliva sample received by the director from the state toxicologist or a law enforcement

officer, a certified copy of the checklist and test records received by the director from a certified breath test operator, and any copy of a certified copy of a certificate of the state toxicologist relating to approved methods, devices, operators, materials, and checklists used for testing for alcohol, other drug, or a combination thereof concentration received by the director from the state toxicologist or the clerk of district court, are regularly kept records of the director.

5. At the close of the hearing, the hearing officer shall notify the person of the hearing officer's findings of fact, conclusions of law, and decision based on the findings and conclusions and shall immediately deliver to the person a copy of the decision. If the hearing officer does not find in favor of the person, the copy of the decision serves as the director's official notification to the person that the person is prohibited from operating a snowmobile in this state. The hearing officer shall report the findings, conclusions, and decisions to the director within ten days of the conclusion of the hearing.
6. If the person who requested a hearing under this section fails to appear at the hearing without justification, the right to the hearing is waived, and the hearing officer's determination on prohibition of the person from operating a snowmobile will be based on the written request for hearing, law enforcement officer's report, and other evidence as may be available. The hearing officer shall, on the date for which the hearing is scheduled, mail to the person, by regular mail, at the address on file with the director, or at any other address for the person or the person's legal representative supplied in the request for hearing, a copy of the decision which serves as the director's official notification to the person that the person is prohibited from operating a snowmobile in this state for the appropriate period. Even if the person for whom the hearing is scheduled fails to appear at the hearing, the hearing is deemed to have been held on the date for which it is scheduled for purposes of appeal under section 39-24.1-09.

**39-24.1-09. Judicial review.** Any person who has been prohibited from operating a snowmobile by the decision of the hearing officer under section 39-24.1-08 may appeal within seven days after the date of the hearing under section 39-24.1-08 as shown by the date of the hearing officer's decision, notwithstanding section 28-32-15, by serving on the director and filing a notice of appeal and specifications of error in the district court in the county where the events occurred for which the demand for a chemical test was made, or in the county in which the administrative hearing was held. The court shall set the matter for hearing, and the petitioner shall give twenty days' notice of the hearing to the director and to the hearing officer who rendered the decision. Neither the director nor the court may stay the decision pending decision on appeal. Within fifteen days after receipt of the notice of appeal, the director or the hearing officer who rendered the decision shall file in the office of the clerk of court to which the appeal is taken a certified transcript of the testimony and all other proceedings. This record is the record on which the appeal must be determined. No additional evidence may be heard. The court shall affirm the decision of the director or hearing officer unless it finds the evidence insufficient to warrant the conclusion reached by the director or hearing officer. The court may direct that the matter be returned to the director or hearing officer for rehearing and the presentation of additional evidence.

**39-24.1-10. Interpretation of chemical tests.** Upon the trial of any action or proceeding arising out of acts alleged to have been committed by any person while operating a snowmobile while under the influence of intoxicating liquor, drugs, or a combination thereof, evidence of the amount of alcohol, drugs, or a combination thereof in the person's blood at the time of the act alleged as shown by a chemical analysis of the blood, breath, saliva, or urine is admissible. For the purpose of this section:

1. A person having a drug in that person's body or an alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after operating a snowmobile is under the influence of intoxicating liquor, drugs, or a combination thereof at the time of operating a snowmobile.
2. Alcohol concentration is based upon grams of alcohol per one hundred cubic centimeters of blood or grams of alcohol per two hundred ten liters of alveolar air or grams of alcohol per sixty-seven cubic centimeters of urine.
3. The results of the chemical test must be received in evidence when it is shown that the sample was properly obtained and the test was fairly

administered, and if the test is shown to have been performed according to methods and with devices approved by the state toxicologist, and by an individual possessing a certificate of qualification to administer the test issued by the state toxicologist. The state toxicologist is authorized to approve satisfactory devices and methods of chemical tests and determine the qualifications of individuals to conduct such tests, and shall issue a certificate to every qualified operator. An operator shall exhibit the certificate upon demand of the person requested to take the chemical test.

4. The state toxicologist may appoint, train, certify, and supervise field inspectors of breath testing equipment and its operation, and the inspectors shall report the findings of any inspection to the state toxicologist for appropriate action. Upon approval of the methods or devices, or both, required to perform the tests and the persons qualified to administer them, the state toxicologist shall prepare and file written record of the approval with the director and the clerk of the district court in each county and shall include in the record:
  - a. An annual register of the specific testing devices currently approved, including serial number, location, and the date and results of last inspection.
  - b. An annual register of currently qualified and certified operators of the devices, stating the date of certification and its expiration.
  - c. The operational checklist and forms prescribing the methods currently approved by the state toxicologist in using the devices during the administration of the tests.

The material filed under this subsection may be supplemented when the state toxicologist determines it to be necessary, and any supplemental material has the same force and effect as the material that it supplements.

5. Copies of the records referred to in subsections 3 and 4, certified by the clerk of the district court, must be admitted as prima facie evidence of the matters stated in the records.
6. A certified copy of the analytical report of a blood, urine, or saliva test issued by the state toxicologist must be accepted as prima facie evidence of the results of a chemical test performed under this chapter.
7. Notwithstanding any statute or rule to the contrary, the defendant in any criminal proceeding may subpoena, without cost to the defendant, the person who conducted the chemical test referred to in this section to testify at the trial on the issue of the amount of alcohol, drugs, or a combination thereof in the defendant's blood, breath, saliva, or urine at the time of the alleged act.
8. A signed statement from the nurse or medical technician drawing the blood sample for testing as set forth in subsection 3 is prima facie evidence that the blood sample was properly drawn and no further foundation for the admission of such evidence may be required.

**39-24.1-11. Proof of refusal admissible in any action or proceeding.** If the person under arrest refuses to submit to the chemical test, proof of refusal is admissible in any action or proceeding arising out of acts alleged to have been committed while the person was operating a snowmobile while under the influence of intoxicating liquor, drugs, or a combination thereof.

**39-24.1-12. Effect of evidence of chemical test.** This chapter does not limit the introduction of any other competent evidence bearing on the question of whether the person was under the influence of intoxicating liquor, drugs, or a combination thereof, but, if the chemical test results show a drug or an alcohol concentration of at least ten one-hundredths of one percent, the purpose of the evidence must be limited to the issues of probable cause, whether an arrest was made prior to the administering of the test, and the validity of the test results.

**39-24.1-13. Liability.** Any licensed physician, nurse, technician, or an employee of a hospital who draws blood from any person pursuant to a request of any

arresting officer is not liable in any civil action for damages arising out of the act except for gross negligence.

**39-24.1-14. Operation of snowmobile during period of prohibition - Penalty.** Any person who operates a snowmobile in this state during the period the person is prohibited from operating a snowmobile under this chapter is guilty of a class A misdemeanor."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2173: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2173 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15-40.1-09, 15-40.1-09.1, 15-47-04, and 15-47-33 of the North Dakota Century Code, relating to the length of the school term.

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

**SECTION 1. AMENDMENT.** Section 15-40.1-09 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-40.1-09. Application for payments - Verification and determination of payments for high school students - Report of county superintendent of schools - Appeal.** Immediately upon the completion of the registration of students at the beginning of each school term and in no event later than September tenth of each year, the business manager of each school district within or without this state which is claiming payments from state funds under the provisions of this chapter shall file with the county superintendent of schools a claim on a form prescribed by the superintendent of public instruction stating the number of students registered in high school and elementary grades for which payments are claimed, and such other information as may be reasonably requested by the superintendent of public instruction. Not later than December first, the superintendent of public instruction shall certify to the office of management and budget a list of the school districts and schools not operated by school districts entitled to payments from state funds, together with the amounts to which the several districts and schools are entitled. Per student aid as provided under sections 15-40.1-06, 15-40.1-07, and 15-40.1-08 must be computed on the basis of the previous year's average daily membership less the number of students attending school during the current school year in another district under the provisions of open enrollment or the current year's fall enrollment, whichever provides the greatest payment, for all current grade levels. Adjustments must be made in the subsequent year according to a comparison between the average daily membership for the year for which the adjusted payment is being made and the year preceding the year for which the adjusted payment is being made, whichever is greater, for grade levels that existed in both years. The greater of the two preceding years' average daily membership must be used in computing any adjustment in a district's foundation aid payments. For purposes of this chapter, "average daily membership" ~~shall mean~~ means the total days all students in a given school are in attendance, including ~~two~~ two days set aside for the North Dakota education association ~~convention, plus any instructional conference,~~ three holidays selected from those listed in subsections 2 through 10 of section 15-38-04.1 which have been decided upon after selected by the school board in consultation with the teachers, the total days all students are absent, and the up to two full days during which parent-teacher conference days authorized in section 15-47-33 conferences are held or up to two full days as hour-for-hour compensatory time if parent-teacher conferences are held outside normal school hours and the total days all students are absent, divided by one hundred eighty days. School districts educating children of agricultural migratory workers or offering high school summer school programs during the months of June, July, and August shall not be restricted to payments for a one hundred eighty-day school term.

Immediately upon the termination of the school ~~term~~ year, and in no event later than July fifteenth of each year, the business manager of each school district within or without this state which has received payments from state funds under the provisions of this chapter shall file with the county superintendent of schools a verified statement of the name, residence, and membership of elementary and high school students as

provided for in this section, and number of units of high school work taken by each high school student enrolled during the previous school year. The statement shall be attested to by the county superintendent of schools. The county superintendent shall investigate the validity of the statement and shall determine the residence and other qualifications of each student named in the statement. The county superintendent shall certify to the superintendent of public instruction on or before September first of each year the number of enrolled students in each district in the county for the previous school year upon which any adjustment may be based as provided in this section. If any statement is disallowed in whole or in part, notice of the disallowance and the names of students who are disallowed shall be reported to the superintendent of public instruction and to the district filing the statement. Any district may appeal to the superintendent of public instruction from the determination of the county superintendent of schools on or before September fifteenth in the year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district warrants a modification. The judgment of the superintendent of public instruction shall be final.

**SECTION 2. AMENDMENT.** Section 15-40.1-09.1 of the North Dakota Century Code is amended and reenacted as follows:

**15-40.1-09.1. Emergency resulting from acts of God - Foundation program payment eligibility.** The existence of a state of emergency may be proclaimed by the governor if ~~he~~ the governor finds that an act of God has occurred and that the safety and welfare of the inhabitants of the state or of any portion thereof of the state require the closing of schools or any particular school. ~~Any such~~ The emergency terminates upon the proclamation of the termination thereof by the governor. ~~Any school district which is located within the boundaries of the territory included within the governor's proclamation of a state of emergency or designated by it may include days actually lost, not to exceed five days, during which school was not held because of such state of emergency for purposes of the foundation program as provided in this chapter. Any school district in which schools are closed for in excess of five days in any school year because of such a state of emergency shall receive two days of credit for foundation program purposes for each additional day school is held to make up for such lost days. Nothing in this section affects the length of the school year as provided for in section 15-47-33.~~

**SECTION 3. AMENDMENT.** Section 15-47-04 of the North Dakota Century Code is amended and reenacted as follows:

**15-47-04. "School year", "month", and "week" defined.** The school year must begin on the first day of July and must close on the thirtieth day of June of the following year. ~~A school month consists of twenty days, and a school week consists of five days.~~

**SECTION 4. AMENDMENT.** Section 15-47-33 of the North Dakota Century Code is amended and reenacted as follows:

**15-47-33. Length of elementary and secondary school year term.**

1. All elementary and secondary schools in this state shall provide for a school term of at least one hundred eighty days of classroom instruction during each school term. Any three apportioned as follows:
  - a. One hundred seventy-three full days of instruction;
  - b. Three holidays selected from those listed in subsections 2 through 10 of section 15-38-04.1 which have been decided upon after selected by the school board in consultation with the district teachers, any two days, or fractions of days not to exceed a total of two days, which are devoted to;
  - c. Two days for the attendance of teachers at the North Dakota education association instructional conference; and
  - d. Up to two full days during which parent-teacher conferences and which are selected by the local school board after consultation with the teachers, and any day in which classes cannot be held because of acts of God, epidemic, or failure of physical facilities must be included in the one hundred eighty days provided for in this section and teachers must be paid therefor are held or up to two full days as

hour-for-hour compensatory time if parent-teacher conferences are held outside of normal school hours.

2. A full day of instruction:
  - a. Consists of at least five and one-half hours of instruction time for elementary students;
  - b. Consists of at least six hours of instruction time for high school students; and
  - c. May conclude no earlier than 2:30 p.m."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2188: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2188 was placed on the Sixth order on the calendar.

Page 1, line 2, after "notices" insert "; and to provide an effective date"

Page 1, line 6, after "selling" insert "engine"

Page 1, line 8, after "nearest" insert "public" and after "or" insert "public"

Page 1, after line 8, insert:

"**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on August 1, 1998."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2193: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2193 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "27-20-32" with "27-20-10"

Page 1, line 9, after "employees" insert "acting on behalf of their principal or employer"

Page 1, line 14, after the underscored period insert "The penalty for a subsequent violation of this section may not be increased pursuant to subsection 7 of section 12.1-32-01 beyond a maximum fine of five hundred dollars."

Page 1, line 23, replace the first underscored comma with "or" and remove ", or board of health"

Page 2, replace lines 5 through 12 with:

"**SECTION 2. AMENDMENT.** Subsection 2 of section 27-20-10 of the North Dakota Century Code is amended and reenacted as follows:

2. The giving of counsel and advice and any conditions imposed for the conduct and control of the child ~~cannot~~ may not extend beyond nine months from the day commenced unless extended by the court for an additional period not to exceed six months and does not authorize the detention of the child if not otherwise permitted by this chapter. If it appears that the child has violated section 12.1-31-03, the child may also be required to pay a fine of not more than fifty dollars."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2198: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2198 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 35-20 of the North Dakota Century Code, relating to creation of a landlord's lien on a mobile home.

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

**SECTION 1.** A new section to chapter 35-20 of the North Dakota Century Code is created and enacted as follows:

**Landlord's mobile home lien.** A landlord of a mobile home lot has a lien for storage and removal of any mobile home left on the lot after the tenant has vacated the premises after an eviction or the expiration of the lease term. A lien under this section does not have priority over a prior perfected security interest in the property. A holder of a lien under this section may retain possession of the mobile home subject to the lien until the amount due is paid. A lienholder may sell a mobile home thirty days after the lienholder mails notice of the lien to the owner of the mobile home. After the sale, the lienholder shall forward to the former owner any money resulting from the sale of the mobile home in excess of the amount owed to the lienholder for storage and removal of the mobile home. If the location of the former mobile home owner is not known, any money from a sale in excess of the amount owed is presumed abandoned under chapter 47-30.1."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2200: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2200 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 sections 40-51.2-02.1, 40-51.2-02.2, and 40-51.2-07.1 of the North Dakota Century Code, relating to annexation agreements, annexation of land in another city's extraterritorial zoning area, and the mediation of city annexations; to amend and reenact sections 40-51.2-05, 40-51.2-06, 40-51.2-07, 40-51.2-08, 40-51.2-09, 40-51.2-11, 40-51.2-12, 40-51.2-13, 40-51.2-14, 40-51.2-15, 40-51.2-16, and 40-51.2-17 of the North Dakota Century Code, relating to the annexation of property to a city; and to repeal section 40-51.2-10 of the North Dakota Century Code, relating to the composition of the annexation review commission.

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

**SECTION 1.** Section 40-51.2-02.1 of the North Dakota Century Code is created and enacted as follows:

**40-51.2-02.1. Annexation agreements.** The governing body of a city may enter a written annexation agreement with the governing body of another city regarding the annexation of property located within the extraterritorial zoning or subdivision regulation authority of the cities under chapter 40-47 or 40-48. An agreement is binding on the governing bodies of the cities for the term of the agreement unless the governing bodies agree otherwise or unless determined otherwise by an administrative law judge in accordance with this chapter. An agreement may not have a term greater than twenty years.

**SECTION 2.** Section 40-51.2-02.2 of the North Dakota Century Code is created and enacted as follows:

**40-51.2-02.2. Annexation of land in the extraterritorial zoning authority of another city.** A city may not annex land located within the extraterritorial zoning or subdivision regulation authority of another city by ordinance or resolution unless:

1. Written consent is received from the governing body of the other city; or

2. The annexation is ordered by an administrative law judge in accordance with this chapter.

**SECTION 3. AMENDMENT.** Section 40-51.2-05 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**40-51.2-05. Notice - Petition of owners and electors - Mediation.**

1. The governing body may not take final action on a petition presented by owners and qualified electors until the petitioners have given notice of presentation of ~~their~~ the petition by one publication in the official newspaper of the city as provided by section 40-01-09 and the governing body has ~~caused mailed~~ mailed a notice of the time and place of consideration of the petition ~~to be mailed~~ to the owner of each parcel of real property within the area described in the petition at the person's last known mailing address. ~~Said~~ The notice is not required to be sent to any owner of real property who signed a petition pursuant to section 40-51.2-03 or 40-51.2-04. If the land area petitioned to be annexed to the city lies within the extraterritorial zoning or subdivision regulation authority of another city, the governing body of the city must also mail the notice of the time and place of consideration of the petition to the governing body of the other city.
2. If the land area petitioned to be annexed to the city lies within the extraterritorial zoning or subdivision regulation authority of another city and written consent to annex the land area is not received from the governing body of the other city, the annexing city may either stop its pursuit of the annexation or submit the matter to a committee for mediation as provided in section 40-51.2-07.1. If mediation does not resolve the matter, the office of administrative hearings may be petitioned to hear the matter in accordance with this chapter.

**SECTION 4. AMENDMENT.** Section 40-51.2-06 of the North Dakota Century Code is amended and reenacted as follows:

**40-51.2-06. Petition of owners and electors - Annexation or exclusion - Classification of annexed agricultural lands for tax purposes.** If the governing body ~~determines to annex said~~ annexes the area, it shall do so by ordinance, ~~a. When a copy of which with the ordinance and an accurate map of the annexed area, certified by the executive officer of the municipality city, shall be are~~ are filed and recorded with the county register of deeds, ~~whereupon the annexation shall then be becomes~~ effective. ~~Annexation shall be~~ An annexation is effective for the purpose of general taxation on and after the first day of ~~the next~~ the next February ~~next ensuing; provided, however.~~ ensuing; provided, however. ~~However, the municipal corporation city shall continue to classify as agricultural lands for tax purposes all lands in the annexed area which were classified as agricultural lands immediately prior to such before the annexation proceedings until such those lands are put to another use. If the governing body determines to exclude the area petitioned for, it may do so by ordinance adopted and recorded as in case of annexation.~~

**SECTION 5. AMENDMENT.** Section 40-51.2-07 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**40-51.2-07. Annexation by resolution of ~~municipal corporation~~ city.** The governing body of any ~~municipality~~ municipality city may adopt a resolution to annex contiguous or adjacent territory as follows:

1. The governing body of the ~~municipality~~ municipality city shall adopt a resolution describing the property to be annexed.
2. The governing body of the ~~municipality~~ municipality city shall ~~cause said~~ publish the resolution ~~together with~~ and a notice of the time and place ~~it the governing body will meet to hear and determine the sufficiency of any written protests against such the proposed annexation to be published~~ in the official newspaper once each week for two consecutive weeks. The governing body of the ~~municipality~~ municipality city shall ~~cause mail~~ mail a notice ~~to be mailed~~ to the owner of each parcel of real property within the area to be annexed at the person's last known mailing address. The notice must inform landowners of the resolution, the time and place of hearing, and the requirement that protests must be filed in writing. The owners of any real property within the territory proposed to be annexed within thirty days of the first publication of ~~such the~~ the resolution may file written protests with the city auditor protesting

against the proposed annexation. No state-owned property may be annexed without the written consent of the state agency or department having control ~~thereof~~ of the property. The governing body of the ~~municipality~~ city, at its next meeting after the expiration of the time for filing ~~such~~ the protests, shall hear and determine the sufficiency ~~thereof~~ of the protests.

3. In the absence of protests filed by the owners of more than one-fourth of the territory proposed to be annexed as of the date of the adoption of the resolution, the territory described in the resolution ~~must be included within and shall become~~ becomes a part of the city, ~~and~~. When a copy of the resolution ~~with~~ and an accurate map of the annexed area, certified by the executive officer of the ~~municipality~~ city, ~~must be~~ are filed and recorded with the county register of deeds, ~~whereupon the annexation shall become~~ becomes effective. Annexation is effective for the purpose of general taxation on and after the first day of ~~the next~~ February next ensuing; ~~provided, however~~. However, the ~~municipal corporation~~ city shall continue to classify as agricultural lands for tax purposes all lands in the annexed area which were classified as agricultural lands immediately ~~prior to such~~ before the annexation proceedings until ~~such~~ those lands are put to another use.

If the owners of one-fourth or more of the territory proposed to be annexed protest, ~~or if a city that has extraterritorial zoning or subdivision regulation authority over the area petitioned to be annexed protests~~, the city may ~~seek annexation by petition to the annexation review commission~~ either stop its pursuit of the annexation or submit the matter to a committee for mediation as hereinafter provided in section 40-51.2-07.1.

**SECTION 6.** Section 40-51.2-07.1 of the North Dakota Century Code is created and enacted as follows:

**40-51.2-07.1. Mediation.** The mediation committee must be comprised of a person appointed by the governor, representatives of the petitioners under section 40-51.2-03 or the protesters under section 40-51.2-07, the cities involved, counties, and townships, and any other parties having an interest in the proposed annexation. The governor's appointee shall arrange and preside over the meeting and act as mediator at the meeting. The meeting may be continued until a resolution agreeable to all parties is reached or the mediator determines that continued mediation is no longer worthwhile.

**SECTION 7. AMENDMENT.** Section 40-51.2-08 of the North Dakota Century Code is amended and reenacted as follows:

**40-51.2-08. ~~Annexation by petition of municipal corporation~~ Petition to office of administrating hearings.** The If the governing body of any ~~municipal corporation~~ a city involved in the dispute is not satisfied with the result of the mediation, the governing body may petition the ~~attorney general for annexation of any territory contiguous or adjacent to it~~ director of the office of administrative hearings to hear the matter. ~~The~~ If the annexation was initiated under section 40-51.2-07, the petition shall set forth must include an accurate map of the area sought to be annexed, ~~its~~ a description of the area, and the reasons for ~~its~~ the annexation.

**SECTION 8. AMENDMENT.** Section 40-51.2-09 of the North Dakota Century Code is amended and reenacted as follows:

**40-51.2-09. ~~Annexation review commission~~ Administrative law judge to be constituted appointed - Hearing set.** Upon receipt of ~~such~~ a petition, the ~~attorney general~~ director of the office of administrative hearings shall ~~issue an order to constitute an annexation review commission~~ appoint an administrative law judge to hear ~~such~~ the petition ~~and he~~. If the annexation was initiated under section 40-51.2-07, the administrative law judge shall determine whether the annexing city has substantially complied with all of the procedural requirements in the annexation process. If substantial compliance has been met, or if the annexation was initiated under section 40-51.2-03, the administrative law judge shall designate a time and place at which the ~~commission shall meet to consider the petition will be heard~~. The time of ~~such~~ the hearing ~~shall be~~ may not be less than thirty days after receipt of ~~such~~ the petition.

**SECTION 9. AMENDMENT.** Section 40-51.2-11 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**40-51.2-11. Notice required.** At the time ~~he~~ the administrative law judge sets the time and place of hearing, the ~~chairman of such commission~~ administrative law judge shall direct the governing body of the annexing municipality city to ~~cause~~:

1. Publish a notice of ~~such the~~ hearing and a copy of ~~its the~~ petition ~~to be published~~, if the annexation was initiated under section 40-51.2-07, at least once a week for two successive weeks in the official newspaper of ~~such municipal corporation, to mail the city~~;
2. Mail a notice of the hearing and a copy of ~~its the~~ petition, if the annexation was initiated under section 40-51.2-07, to the owner of each parcel of real property in the area to be annexed at the person's last known mailing address, ~~and to serve~~;
3. Serve a copy of ~~such the~~ notice and petition upon the chairman of the governing body of the county and township, if organized, ~~wherein in which~~ the territory to be annexed lies; ~~and~~
4. Serve a copy of the notice and petition upon the head of the governing body of any other city in whose extraterritorial zoning or subdivision regulation authority the land area petitioned to be annexed is located.

~~Such~~ The hearing must be held not less than thirty days after the first publication of ~~such the~~ notice. Proof of publication and service of the notice and petition ~~as required herein~~ must be filed with the ~~chairman of such commission prior to~~ administrative law judge before the time of such the hearing.

**SECTION 10. AMENDMENT.** Section 40-51.2-12 of the North Dakota Century Code is amended and reenacted as follows:

**40-51.2-12. Annexation review commission Administrative law judge - Hearing.** At the time of the hearing the ~~commission~~ administrative law judge shall hear all evidence with respect to ~~such the~~ annexation and ~~it~~ shall consider all studies, surveys, maps, data, reports, and other material prepared by any state or local governmental subdivision; ~~or planning or zoning commission in the performance of their functions.~~ At the hearing, the governor's appointee who mediated the meetings under section 40-51.2-07.1 shall provide information to the administrative law judge on the proposed annexation and any proposed resolutions or recommendations made by a majority of the representatives of the interested parties. Any resident of or person owning property or having any interest in the area proposed to be annexed and any elector of the annexing municipality city, or ~~his representatives~~ a representative of any such person, may appear at ~~such the~~ hearing and present evidence upon any matter to be determined by the ~~commission~~ administrative law judge. All proceedings at the hearing ~~and any continuances thereof shall~~ must be recorded but the same need not be transcribed unless proceedings for judicial review are initiated as provided in section 40-51.2-15.

**SECTION 11. AMENDMENT.** Section 40-51.2-13 of the North Dakota Century Code is amended and reenacted as follows:

**40-51.2-13. Decision.** ~~Upon the completion of the hearing~~

1. ~~In arriving at a decision, the commission administrative law judge shall determine if the annexation should be granted after considering and finding that from the evidence one or more of~~ consider the following factors are present with respect to the proposed annexation ~~which will constitute a more harmonious and compatible metropolitan community:~~
- 4- a. The present uses and planned future uses or development of the area sought to be annexed-;
- 2- b. Whether ~~a community of interest exists between~~ the area sought to be annexed ~~and~~ is a part of the community of the annexing municipality city;
- 3- c. The educational, recreational, civic, social, religious, industrial, commercial, or ~~municipal city~~ facilities and services made available by or in the annexing municipality city to any resident, business, industry, or employee of ~~such the~~ business or industry located in the area sought to be annexed-;

4. d. Whether any governmental services or facilities of the annexing ~~municipality~~ city are or can be made available to the area sought to be annexed-;
5. e. The economic, physical, and social relationship of the inhabitants, businesses, or industries of the area sought to be annexed to the annexing ~~municipal corporation~~ city, and to the school districts and other political subdivisions affected ~~thereby~~;
- f. The economic impact of the proposed annexation on the property owners in the area of the proposed annexation, and the economic impact on the annexing city of a decision to deny the annexation;
- g. Whether the area proposed to be annexed is in the extraterritorial zoning or subdivision regulation authority of another city; and
- h. Any other factor determined to be relevant by the administrative law judge.
2. a. Based upon those factors, the administrative law judge may order the annexation if the administrative law judge finds that:
- (1) The area proposed to be annexed is now, or is about to become, urban in character;
- (2) City government in the area proposed to be annexed is required to protect the public health, safety, and welfare; or
- (3) The annexation would be in the best interest of the area proposed to be annexed.
- b. The administrative law judge may deny the annexation if it appears that annexation of all or a part of the property to a different city would better serve the interests of the residents of the property.
3. ~~If a majority of the commission~~ administrative law judge is satisfied that the annexation should be granted, ~~it~~ the administrative law judge shall determine the terms and conditions ~~upon which~~ of the annexation is to be had and shall enter an order granting the petition. In all cases, the ~~commission~~ administrative law judge shall set forth in writing ~~its~~ findings of fact, its conclusions based thereon, and its the decision, ~~and~~. The order must include the factors that are the basis for the decision. The administrative law judge shall direct the governing body of the annexing city to mail a copy thereof of the order to all parties to the annexation proceedings.
4. ~~The~~ An order granting the petition shall set forth must include in detail all ~~such~~ the terms and conditions upon which the petition is granted and the effective date thereof of the petition. Such ~~The annexing city shall file and record the order together with~~ and an accurate map of the annexed area, certified by the executive officer of the municipality city, shall be filed and recorded in the office of the register of deeds of the county wherein in which the annexed territory is situated.

**SECTION 12. AMENDMENT.** Section 40-51.2-14 of the North Dakota Century Code is amended and reenacted as follows:

**40-51.2-14. Powers of the ~~commission~~ administrative law judge - Decision - Terms.** ~~The commission in making its decision shall balance the equities presented by the evidence and~~ administrative law judge shall enter an order setting forth what it the administrative law judge deems to be fair and reasonable terms and conditions and shall direct the annexation in conformity therewith with those terms and conditions. It shall have power The administrative law judge may:

1. ~~To approve~~ Approve or disapprove, with or without amendment, wholly, partially, or conditionally the petition for annexation.

2. ~~To determine~~ Determine the metes and bounds of the territory to be annexed and may include the same area or a smaller area than that described in the petition.
3. ~~To require~~ Require payment by the ~~municipal corporation of a sum determined by the commission payable~~ city to compensate for the value of public improvements acquired by the annexation proceedings and to require the assumption by the ~~municipal corporation~~ city of a pro rata share of any existing bonded indebtedness of any township from which territory is annexed.
4. Require payment by the city of a sum determined by the administrative law judge payable to compensate a water district for losses resulting from the annexation in accordance with section 61-35-26.

**SECTION 13. AMENDMENT.** Section 40-51.2-15 of the North Dakota Century Code is amended and reenacted as follows:

**40-51.2-15. Review of determination of ~~commission~~ administrative law judge by certiorari.** Within thirty days after receipt of the ~~commission's~~ administrative law judge's order, any interested party dissatisfied with the decision ~~made by the annexation review commission may make an application~~ apply to the district court for a writ of certiorari. The review upon ~~such~~ the writ ~~shall~~ may extend only to the determination of whether ~~such commission~~ the administrative law judge has ~~pursued its authority~~ acted regularly and has not exceeded ~~its~~ the administrative law judge's jurisdiction or abused ~~its~~ the administrative law judge's discretion under ~~the provisions~~ of this chapter.

**SECTION 14. AMENDMENT.** Section 40-51.2-16 of the North Dakota Century Code is amended and reenacted as follows:

**40-51.2-16. Effective date of annexation by ~~annexation review commission~~ administrative law judge - Classification of annexed agricultural lands for tax purposes.** Territory annexed to a ~~municipality~~ under the provisions of this chapter, relating city pursuant to petition to annexation review commission the director of the office of administrative hearings, ~~shall be~~ is annexed as of the date of the order of the ~~commission~~ administrative law judge, except for tax purposes, and a copy of the resolution with an accurate map of the annexed area, certified by the executive officer of the ~~municipality~~ city, ~~shall~~ must be filed and recorded with the county register of deeds. Annexation ~~shall be~~ is effective for the purpose of general taxation on and after the first day of the next February ~~next ensuing; provided, however,~~ However, the ~~municipal corporation~~ city shall continue to classify as agricultural lands for tax purposes all lands in the annexed area which were classified as agricultural lands immediately ~~prior to such~~ before the annexation proceedings until ~~such~~ those lands are put to another use.

**SECTION 15. AMENDMENT.** Section 40-51.2-17 of the North Dakota Century Code is amended and reenacted as follows:

**40-51.2-17. Cost of annexation.** The costs of the annexation proceedings ~~shall~~, and the costs for services rendered by an administrative law judge, must be paid to the office of administrative hearings by the ~~municipal corporation instituting the proceeding and shall be~~ annexing city. The costs of the annexation proceedings are the same as those allowed in any civil action.

**SECTION 16. REPEAL.** Section 40-51.2-10 of the North Dakota Century Code is repealed."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2214: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2214 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 1 of"

Page 1, line 3, after "committee" insert "and to the permissible uses and limitations on funds distributed by the committee"

Page 1, line 5, replace "Subsection 1 of section" with "Section"

Page 1, after line 6, insert:

**"54-06-20. Indigent civil legal services fund - Distribution - Continuing appropriation - Records."**

Page 1, after line 20, insert:

- "2. Recipients of funds distributed by the advisory committee shall comply with the federal Legal Services Corporation Act [42 U.S.C. 2996 et seq.].
3. Subject to the limitations in this section, funds distributed under subsection 1 may be used to provide legal services to persons unable to afford private counsel in the following types of cases:
  - a. Public benefits, including temporary assistance to needy families, unemployment compensation, general assistance, food stamps, supplemental security income, or social security disability income;
  - b. Medical assistance;
  - c. Family law matters;
  - d. Housing;
  - e. Consumer issues; and
  - f. Elder law.
4. The advisory committee and each recipient of funds from the indigent civil legal services fund shall maintain records in accord with the generally accepted accounting principles. The records must account for the receipt and expenditure of all funds distributed and received and must be maintained for a period of five years from the close of the fiscal year in which the funds are distributed or received or until audited, whichever is sooner."

Page 1, line 22, replace "\$350,000" with "\$200,000"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2216: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (7 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). SB 2216 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2226: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2226 was placed on the Sixth order on the calendar.

Page 1, line 14, remove "mental and"

Page 1, line 15, remove "emotional"

Page 1, line 17, remove "psychotherapeutic and"

Page 1, line 18, remove "for the purpose of treating diagnosed"

Page 1, line 19, remove "nervous and mental disorders"

Page 2, line 15, remove "or"

Page 2, line 16, remove "counseling"

Page 2, line 17, remove ", counselor, advisor,"

Page 2, line 18, remove "or consultant" and remove ", counselor, advisor, or"

Page 2, line 19, remove "consultant"

Page 3, line 8, replace "qualified clinical" with "licensed certified" and after the first comma insert "licensed professional counselors,"

Page 3, line 10, remove "as defined by the board" and remove "performing or"

Page 3, line 15, replace "seven" with "three"

Page 3, line 16, replace "At least four" with "Two"

Page 3, line 22, replace "At least two members" with "One member" and replace "representatives" with "a representative"

Page 3, line 23, replace "have" with "has"

Page 3, line 25, replace "three" with "one"

Page 3, line 26, replace the second "two" with "one" and replace the third "two" with "one"

Page 3, line 27, remove "members, including the chairman,"

Page 3, line 29, replace "representatives" with "representative"

Page 6, line 5, after "board" insert ", not to exceed one hundred dollars"

Page 8, line 10, replace "not competent to testify" with "excluded from testifying" and replace "alimony" with "annulment, separation,"

Page 8, line 11, after "relationship" insert ", unless both parties agree to allow the therapist to testify"

Page 8, remove lines 13 through 27

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2231: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2231 was placed on the Sixth order on the calendar.

Page 2, line 6, after "debtor" insert "at any time", remove the overstrike over "~~after~~", after "~~debtor~~" insert "entry of a money judgment", and remove the overstrike over "~~in a~~"

Page 2, line 8, replace "in the following instances:" with "civil action. Any collection agency, licensed under chapter 13-05, in addition to proceeding by garnishment after entry of a money judgment in a civil action, may proceed by garnishment at"

Page 2, line 9, remove "a. At"

Page 2, line 16, remove the underscored period

Page 2, line 17, remove "b. At any time after entry of a money judgment in a civil action"

Page 4, line 9, after the period insert "If no judgment exists, the garnishee summons must state that the employer may refuse to garnish wages unless a judgment against the debtor is obtained."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2240: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2240 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 43-48-03 of the North Dakota Century Code, relating to clinical laboratory practice exemptions."

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

**SECTION 1.** A new subsection to section 43-48-03 of the North Dakota Century Code is created and enacted as follows:

A person performing total protein tests by refractometer methodology to qualify plasma donors at a plasmapheresis center licensed by the United States food and drug administration."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2248: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2248 was placed on the Sixth order on the calendar.

Page 1, line 2, after "to" insert "creation and enforcement of"

Page 1, line 9, after "2." insert:

"Last known address" means the address provided by the occupant in the latest rental agreement or the address provided by the occupant in a subsequent written notice of a change of address.

3."

Page 1, line 10, after "agreement" insert ", or a sublessee, successor, or assignee"

Page 1, line 11, replace "3" with "4"

Page 1, after line 13, insert:

"5. "Personal property" means movable property not affixed to land including merchandise and household goods."

Page 1, line 14, replace "4" with "6"

Page 1, line 15, after "establishes" insert "or modifies"

Page 1, line 17, replace "5" with "7"

Page 1, line 20, replace "or" with a semicolon

Page 1, line 22, after "customers" insert "; or a warehouse or a public warehouse where warehouse receipts, bills of lading, or other documents of title are issued for the personal property stored"

Page 1, line 23, replace "6" with "8"

Page 2, line 1, after "all" insert "personal"

Page 2, line 5, after the period insert "The lien attaches upon default by the occupant as stated in the notice of default served on the occupant as provided in this Act."

Page 2, line 10, remove "The proceeds of the sale must"

Page 2, remove line 11

Page 2, line 14, after "space" insert ", unless the owner secures the property elsewhere during the sale proceedings"

Page 2, line 16, replace "Send" with "Deliver in person or send" and after "default" insert "to prior leinholders and"

Page 2, line 17, after the period insert "A notice under this section is presumed delivered if it is deposited with the United States postal service and properly addressed with postage prepaid."

Page 2, line 21, replace "A statement of the charges due" with "The address of the self-service storage facility, the number of the space where the personal property is located, and the name of the occupant"

Page 2, line 22, after "A" insert "statement of the charges due, the date of default, and a"

Page 3, line 9, replace "and other" with ", subject to the rights of prior"

Page 3, line 11, after "to" insert "the application of" and remove "less the amount"

Page 3, after line 17, insert:

**"Sale proceedings - Titled vehicles.** The sale proceedings in this Act are sufficient to provide the instruments or documents of authority necessary to obtain a transfer of title to vehicles under section 39-05-19."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2252: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2252 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2260, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2260 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2264: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2264 was placed on the Sixth order on the calendar.

Page 1, line 2, after "drivers" insert "; and to declare an emergency"

Page 1, line 12, after "kilograms]" insert "and that is not transporting hazardous materials"

Page 3, after line 7, insert:

**"SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2268: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2268 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2269: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2269 was placed on the Sixth order on the calendar.

Page 1, line 9, after "used" insert "and owned"

Page 1, line 10, after "used" insert "and owned"

Page 1, line 11, replace "a white" with "the designed" and after "background" insert "in use at the time of issuance"

Page 1, line 13, replace "After the first issuance of a plate" with "At an appropriate time" and replace "that plate is in the discretion of" with "the plates must occur whenever the designed background used by the state changes"

Page 1, line 14, remove "the law enforcement agency to which it is issued"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2271, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2271 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2295: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2295 was placed on the Sixth order on the calendar.

Page 2, line 4, after "include" insert "a reasonable description of the property, including the county in which the property is located, and" and after "any" insert "other"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2300: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2300 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 39-12 of the North Dakota Century Code, relating to enforcement of size and weight restrictions on motor vehicles."

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

**SECTION 1.** A new section to chapter 39-12 of the North Dakota Century Code is created and enacted as follows:

**Enforcement by highway patrol.** To determine compliance with this chapter by out-of-state vehicles, a member of the highway patrol, upon presenting appropriate credentials, and a written notice to the owner, operator, or agent in charge, may enter for inspection, during normal business hours, any factory, warehouse, or establishment within this state which loads or unloads trucks or truck tractor and trailer combinations. The inspection is limited to records that may provide evidence to determine if a person was or is operating a vehicle in violation of this chapter. This section does not apply to North Dakota resident farmers, ranchers, manufacturers, or haulers of petroleum."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2302: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2302 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new section to chapter 16.1-01 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to the designation of early voting locations;"

Page 1, line 3, replace "sections 16.1-07-01," with "section" and remove ", 16.1-07-06, and 16.1-07-08"

Page 1, line 4, replace "an elector's eligibility to vote by" with "applying for an" and replace "; and to repeal section" with a period

Page 1, remove line 5

Page 1, remove lines 7 through 24

Page 2, remove lines 1 through 20

Page 3, line 7, after "election" insert "except to persons prevented from voting in person on the day of the election due to an emergency. A person requesting an absentee ballot on the day of the election due to an emergency must do so through an agent as set forth in this chapter. An agent may represent only one person. The absentee ballot must be returned to the county auditor's office by four p.m. on the day of the election

Page 3, remove lines 8 through 30

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 16

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2306: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2306 was placed on the Sixth order on the calendar.

Page 1, line 5, after "of" insert "up to twenty-five percent of the"

Page 1, line 7, after "election" insert "at which the question of issuance of the specified bonds also appears on the ballot"

Page 1, line 10, after the period insert "Any amount required for payment of principal and interest on bonds which is not provided by a tax under this section must be provided in compliance with section 21-03-15."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2310: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2310 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2315: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2315 was placed on the Sixth order on the calendar.

Page 1, line 2, after "in" insert "aerial"

Page 1, line 8, after "renewed" insert "to a person engaged in aerial spraying"

Page 1, line 10, after "hundred" insert "thousand" and replace "proof of net assets" with "a notarized letter from an officer of a financial institution or from a certified public accountant attesting to the existence of assets equal to at least one hundred thousand dollars"

Page 1, line 11, after "a" insert "general" and remove "Financial responsibility information must be"

Page 1, line 12, remove "provided in a form approved by the commissioner of agriculture."

Page 1, line 19, replace "a" with "an aerial"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2321: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2321 was placed on the Sixth order on the calendar.

Page 1, line 2, after "fund" insert "; and to provide a continuing appropriation"

Page 1, line 8, remove the overstrike over "~~Interest earned on the roughrider industries' operating fund shall be deposited in the~~"

Page 1, line 9, after "~~general~~" insert "roughrider industries' operating", remove the overstrike over "~~fund~~" and insert immediately thereafter "and is hereby appropriated as a standing and continuing appropriation to the director for use in prison industries as provided in section 12-48-03.1", and remove the overstrike over the period

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION - ROUGHRIDER INDUSTRIES

SENATE - This amendment allows interest earned on the Roughrider Industries' operating fund to be deposited in the operating fund, rather than in the general fund. The bill only removed the requirement that the interest be deposited in the general fund and did not specify where the interest was to be deposited.

#### REPORT OF STANDING COMMITTEE

**SB 2323: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2323 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2324: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2324 was placed on the Sixth order on the calendar.

Page 2, line 2, overstrike "the legal" and insert immediately thereafter "a reasonable" and after "description" insert ", including the county"

Page 2, line 10, replace "In order for an agricultural processor's lien to be effective and take priority over" with "A description of the processing services and the first date the services were furnished"

Page 2, remove lines 11 through 16

Page 2, line 17, remove "receipt"

Page 2, line 27, overstrike "The" and insert immediately thereafter "An" and after "lien" insert "filed in accordance with section 35-31-02"

Page 3, line 5, remove the overstrike over "~~one hundred twenty~~" and remove "ninety"

Page 3, line 15, overstrike "the legal" and insert immediately thereafter "a reasonable" and after "description" insert ", including the county"

Page 3, line 18, after "supplies" insert "and the first date"

Page 3, remove lines 22 through 28

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2327: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2327 was placed on the Sixth order on the calendar.

Page 1, line 1, after "47-30.1-01" insert "and section 47-30.1-14"

Page 1, line 2, after "to" insert "gift certificates and the"

Page 1, line 3, remove "; and to repeal section 47-30.1-14 of the North Dakota Century Code, relating to unclaimed"

Page 1, line 4, remove "property"

Page 1, line 10, remove the overstrike over "~~Credit balances, customer overpayments,~~" and remove the overstrike over "~~security deposits,~~"

Page 1, line 11, remove the overstrike over "~~refunds, credit memos, unpaid~~" and remove "Unpaid"

Page 1, line 22, replace "**REPEAL**" with "**AMENDMENT**"

Page 1, line 23, replace "repealed." with "amended and reenacted as follows:

**47-30.1-14. ~~Gift certificates and credit~~ Credit memos.**

1. A ~~gift certificate or a~~ credit memo issued in the ordinary course of an issuer's business which remains unclaimed by the owner for more than three years after becoming payable or distributable is presumed abandoned.
2. ~~In the case of a gift certificate, the amount presumed abandoned is the price paid by the purchaser for the gift certificate.~~ In the case of a credit memo, the amount presumed abandoned is the amount credited to the recipient of the memo."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2328: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2328 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subdivision e of subsection 4 of section 49-23-03 of the North Dakota Century Code and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subdivision e of subsection 4 of section 49-23-03 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- e. The notification center must be in operation by ~~August~~ March 1, 1997 ~~1998.~~"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2329: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2329 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2330: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (8 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2330 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2332: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2332 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2333: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2333 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "dispose" with "develop and implement rules governing the disposal"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2346: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2346 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2348: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2348 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2349: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2349 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2350: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2350 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2351: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2351 was placed on the Sixth order on the calendar.

Page 1, line 13, remove the overstrike over "~~provide for~~" and remove "address"

Page 1, line 14, remove the overstrike over "~~and productivity~~"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2352: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2352 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 1 of section 39-06.1-06," and after "39-06.1-08" insert a comma

Page 1, line 2, remove "local"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Subsection 1 of section 39-06.1-06 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of not less than ten dollars nor more than twenty dollars."

Page 2, line 8, remove "Penalties"

Page 2, remove line 9

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2353: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2353 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "three" with "two"

Page 1, line 4, after the semicolon insert "and"

Page 1, line 5, remove "; and to provide a continuing"

Page 1, line 6, remove "appropriation"

Page 2, replace lines 7 through 30 with:

**"Emergency system - Wireless 911 service fee.** A subscriber shall pay a wireless 911 service fee of fifty cents per month, per access line, to the 911 service carrier. The 911 service carrier shall add the wireless 911 service fee to all bills for wireless telephone service to subscribers in this state. The 911 service carrier shall collect the wireless 911 service fee, retain twenty percent of fees collected, and remit the remaining proceeds on a monthly basis to the county treasurer of the county in which is located the billing address of the subscriber from whom the fee was collected. The county treasurer shall transfer one-half of fees received under this section to state radio communications for deposit in the state radio communications operating fund."

Page 3, remove lines 1 through 3

Page 4, line 15, replace "a ten-member" with "an eleven-member"

Page 4, line 22, after "association" insert ", one representative from the North Dakota telephone association"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2366: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). SB 2366 was placed on the Sixth order on the calendar.

Page 1, line 3, after the second "fund" insert "; and to declare an emergency"

Page 1, line 6, after "biennium" insert "beginning after June 30, 1997,"

Page 1, line 9, after the period insert "At the end of the 1995-97 biennium all revenue deposited in the general fund during that biennium and derived from taxes imposed on oil and gas under chapters 57-51 and 57-51.1 which exceeds fifty-four million dollars must be transferred by the state treasurer to a special fund in the state treasury known as the permanent oil tax trust fund."

Page 1, after line 24, insert:

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2367: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2367 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "and", replace "section" with "sections", and after "19-10-01" insert "and 57-43.1-03.1"

Page 1, line 3, after "Code" insert "and to amend and reenact section 2 of chapter 576 of the 1995 Session Laws" and replace "; and to repeal section" with "and ethanol plant production incentives."

Page 1, remove line 4

Page 4, replace lines 15 and 16 with:

**"SECTION 4. AMENDMENT.** Section 57-43.1-03.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

~~57-43.1-03.1. (Effective until December 31, 1999) Refund of tax for fuel used for agricultural purposes - Reduction for agricultural fuel tax fund. Any person who buys or uses any motor vehicle fuel for agricultural purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of this state on which the motor vehicle fuel tax has been paid, must be reimbursed or repaid within the time provided in this chapter, the amount of the tax paid upon the presentation to and the approval of the commissioner of a claim for refund. The amount of the tax refund provided for in this section must be reduced by four cents per gallon [3.79 liters] except for those fuels used in aircraft or with respect to refunds claimed by aircraft fuel users, two cents per gallon [3.79 liters] withheld from the refund must be deposited in the agricultural fuel tax fund, and two cents per gallon [3.79 liters] withheld from the refund must be retained in the highway tax distribution fund. Those persons who have a valid tax assignment permit issued by the commissioner under section 57-43.1-11 must be charged four cents per gallon [3.79 liters] by the dealer and the four cents charged must be remitted to the commissioner by the dealer when the dealer submits the tax assigned invoices for credit.~~

~~(Effective January 1, 2000) Refund of tax for fuel used for agricultural purposes - Reduction for agricultural fuel tax fund. Any person who buys or uses any motor vehicle fuel for agricultural purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of this state on which the motor vehicle fuel tax has been paid, must be reimbursed or repaid within the time provided in this chapter, the amount of the tax paid upon the presentation to and the approval of the commissioner of a claim for refund. The amount of the tax refund provided for in this section must be reduced by two cents per gallon [3.79 liters] except for those fuels used in aircraft or with respect to refunds claimed by aircraft fuel users, two cents per gallon [3.79 liters] withheld from the refund must be deposited in the agricultural fuel tax fund. Those persons who have a valid tax assignment permit issued by the commissioner under section 57-43.1-11 must be charged two cents per gallon [3.79 liters] by the dealer and the two cents charged must be remitted to the commissioner by the dealer when the dealer submits the tax assigned invoices for credit.~~

**SECTION 5. AMENDMENT.** Section 2 of chapter 576 of the 1995 Session Laws is amended and reenacted as follows:

**SECTION 2. Duration and limitation of ethanol plant production incentives.** Notwithstanding any other provision of law, an ethanol plant may not receive production incentives except as permitted under this section.

- 1- ~~An ethanol plant that was in operation before July 1, 1995, may not receive production incentives in the form of direct payments from the state for more than five fiscal years of operation after June 30, 1995. An ethanol plant that or which begins operation after June 30, 1995, may not receive production incentives in the form of direct payments from the state for more than ten fiscal years of operation. After December 31, 2007, the state may not provide production incentives in the form of direct payments to any ethanol plant after June 30, 1997.~~
- 2- ~~An ethanol plant that was in operation before July 1, 1995, and which produced fewer than fifteen million gallons [56781000 liters] of ethanol in the previous fiscal year may receive up to one million dollars in production incentives from the state for production in a fiscal year. An ethanol plant that was in operation before July 1, 1995, and which produced fifteen million gallons [56781000 liters] or more of ethanol in the previous fiscal year and an ethanol plant that begins operation after June 30, 1995, are each eligible to receive an equal share in up to five hundred thousand dollars in production incentives from the state for production in a fiscal year."~~

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2368: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2368 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~committeemen~~" and remove "committee persons"

Page 1, line 16, remove the overstrike over "~~chairman~~" and remove "chair"

Page 2, line 2, remove the overstrike over "~~committeemen~~" and remove "committee persons"

Page 2, line 4, remove the overstrike over "~~chairman~~" and remove "chair"

Page 2, line 5, remove the overstrike over "~~chairman~~" and remove "chair"

Page 2, line 7, remove the overstrike over "~~chairman~~" and remove "chair"

Page 2, line 14, remove the overstrike over "~~committeemen~~" and remove "committee persons"

Page 2, line 29, remove the overstrike over "~~committeemen~~" and remove "committee persons"

Page 2, line 30, remove the overstrike over "~~chairman~~", remove "chair", remove the overstrike over "~~committeemen~~", and remove "committee"

Page 2, line 31, remove "person"

Page 3, line 3, after "No" insert "political", overstrike ", political or otherwise,", and remove the overstrike over "~~committeeman~~"

Page 3, line 4, remove "committee person"

Page 3, line 13, remove the overstrike over "~~committeeman~~" and remove "committee person"

Page 3, line 16, remove the overstrike over "~~committeeman~~" and remove "committee person"

Page 3, line 17, remove the overstrike over "~~committeeman~~" and remove "committee"

Page 3, line 18, remove the first "person" and replace "committee person" with "committeeman"

Page 3, line 22, replace "chair" with "chairman"

Page 3, line 23, replace "committee persons" with "committeemen"

Page 3, remove lines 24 through 30

Page 4, line 6, remove the overstrike over "~~chairman~~", remove "chair", and replace "committee persons" with "committeemen"

Page 4, line 13, remove the overstrike over the first "~~chairman~~", remove the first "chair", remove the overstrike over the second "~~chairman~~", and remove the second "chair"

Page 4, line 15, remove the overstrike over "~~committeemen~~" and remove "committee persons"

Page 4, line 18, remove the overstrike over "~~committeeman~~" and remove "committee person"

Page 4, line 21, remove the overstrike over the first "~~chairman~~", remove "chair", and remove the overstrike over the second "~~chairman~~"

Page 4, line 22, remove "chair"

Page 4, line 28, remove the overstrike over "~~chairman~~" and remove "chair"

Page 4, line 30, remove the overstrike over the first "~~chairman~~", remove the first "chair", remove the overstrike over the second "~~chairman~~", and remove the second "chair"

Page 4, line 31, remove the overstrike over "~~chairman~~" and remove "chair"

Page 5, line 7, remove the overstrike over "~~chairman~~" and remove "chair"

Page 5, line 14, remove the overstrike over the first "~~chairman~~", remove "chair", and remove the overstrike over the second "~~chairman~~"

- Page 5, line 15, remove "chair" and after the period insert "The party's bylaws must be filed with the secretary of state."
- Page 5, line 17, replace "chair" with "chairman"
- Page 5, line 27, replace the first "chair" with "chairman" and replace the second "chair" with "chairman"
- Page 5, line 28, replace "chair" with "chairman"
- Page 5, line 30, replace the first "chair" with "chairman", remove the overstrike over "~~chairman~~", and remove the second "chair"
- Page 5, line 31, replace "chair" with "chairman"
- Page 6, line 8, remove the overstrike over "~~chairman~~" and remove "chair"
- Page 6, line 9, remove the overstrike over "~~chairman~~" and remove "chair"
- Page 6, line 11, remove the overstrike over "~~committeemen~~" and remove "committee persons"
- Page 6, line 16, replace "The election of delegates" with "Delegates" and after "be" insert "elected as"
- Page 6, line 17, replace "state's" with "state"
- Page 6, line 30, after "delegates" insert "and alternates" and overstrike "and a like"
- Page 6, line 31, overstrike "~~number of alternates~~" and insert immediately thereafter "as provided by the party's bylaws or national party rules"
- Page 7, line 2, overstrike "nomination" and insert immediately thereafter "endorsement" and overstrike "nominated" and insert immediately thereafter "endorsed"
- Page 7, line 3, remove the overstrike over "~~chairman~~" and remove "chair"
- Page 7, line 4, overstrike "nomination or election" and insert immediately thereafter "endorsement" and after "16.1-11-06" insert "or certificates of election"
- Page 7, line 9, remove the overstrike over "~~chairman~~" and remove "chair"
- Page 7, line 14, replace "An" with "A political"
- Page 7, line 15, remove ", political or otherwise,", replace "nominate" with "endorse", and after "candidates" insert "or have candidates petition"
- Page 8, line 9, after "~~party~~" insert "political", remove ", political or otherwise,", and replace "nominate" with "endorse"
- Page 8, line 10, after "candidates" insert "or have candidates petition"
- Page 8, line 13, after "the" insert "political"
- Page 8, line 14, remove ", political or otherwise"
- Page 8, line 18, remove the overstrike over "~~Candidates of such party are entitled to the same rights and privileges as~~"
- Page 8, remove the overstrike over line 19
- Page 8, line 20, replace "An" with "A political" and replace ", political or otherwise, which" with "that"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2371: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2371 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new section to chapter 57-51 and"

Page 1, line 2, remove "oil and gas gross"

Page 1, line 3, remove "production tax reduction and" and replace "new" with "initial"

Page 1, line 4, replace "or allotted" with "trust" and remove "to amend and reenact subsection 1 of section 57-51-15 of the North Dakota"

Page 1, line 5, remove "Century Code, relating to allocation of oil and gas gross production tax revenues;"

Page 1, remove lines 8 through 23

Page 2, line 3, remove the underscore

Page 2, line 4, remove the underscore under "this chapter for a period of", replace "fifteen" with "sixty", remove the underscore under "months if", and replace "the well is drilled and completed on" with ":

- a. The well is located within the boundaries of an Indian reservation;
- b. The well is drilled and completed on lands held in trust by the United States for an Indian tribe or individual Indian; or
- c. The well is drilled and completed on lands held by an Indian tribe if the interest is in existence on the effective date of this Act."

Page 2, remove lines 5 and 6

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2374: Agriculture Committee (Sen. Wanzek, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2374 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 15, replace "1999" with "2001"

Page 1, line 16, after the period insert "The board shall determine which holdings are to be sold under this section, in accordance with its policy of managing the lands under its control to produce the maximum net rate of return."

Page 1, after line 16, insert:

**"SECTION 2.** A new section to chapter 15-08 of the North Dakota Century Code is created and enacted as follows:

#### **Board of university and school lands - Divestiture - Application and sale procedure.**

1. The commissioner of university and school lands may accept applications for the purchase of land to be sold under section 1 at any time. Upon receiving an application for the purchase of land, the commissioner shall present the application to the board of university and school lands for approval or rejection. If the board approves the application, the commissioner shall obtain an appraisal of the property. The cost of the appraisal must become part of the purchase price of the land.
2. The board shall review the appraisal, together with any other relevant information, and determine whether to proceed with the sale. If the board decides to proceed with the sale, the board shall establish a minimum purchase price and notify the applicant. If the potential purchaser accepts the purchase price established by the board, the potential purchaser shall

complete a formal application to purchase at that price. The board may sell unleased lands at any time. The board may sell leased lands only if the lessee is notified during the months of October through January of the board's intention to sell the land.

3. The purchaser shall make a cash downpayment of ten percent of the purchase price on the day of the sale and shall pay the balance in cash within sixty days. The date on which the balance is due may be extended by the commissioner for up to a maximum of one hundred eighty days from the date of the sale. The commissioner shall, however, charge the purchaser interest on the remaining balance beginning sixty days after the date of the sale at the Bank of North Dakota base rate plus one percent."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2376: Human Services Committee (Sen. Thane, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2376 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2378: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2378 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2380: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2380 was placed on the Sixth order on the calendar.

Page 1, line 10, after "accident" insert "resulted in bodily injury and"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2384: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2384 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 40-47-01.1 and 40-48-18 of the North Dakota Century Code, relating to extraterritorial zoning and subdivision regulation authority of cities.

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

**SECTION 1. AMENDMENT.** Section 40-47-01.1 of the North Dakota Century Code is amended and reenacted as follows:

**40-47-01.1. Territorial authority of Extraterritorial zoning regulations - Mediation - Determination by administrative law judge.** ~~Based upon the population of the~~

1. ~~A city as determined by the last official regular or special federal census or, in case of a city incorporated subsequent to such census, a census taken in accordance with chapter 40-02, the governing body of a city may, by ordinance, extend the application of a city's zoning regulations to any quarter quarter section of unincorporated territory if a majority of the quarter quarter section is located within the following distance of the corporate limits of the city:~~
  4. ~~a. To each quarter quarter section of unincorporated territory the majority of which is located within one-half~~ One mile [80 kilometer 1.61 kilometers] ~~of its limits in any direction if it is a the city having has a population of less than five thousand.~~

2. b. ~~To each quarter quarter section of unincorporated territory the majority of which is located within one mile~~ Two miles [1.64 3.22 kilometers] ~~of its limits in any direction if it is a~~ the city having has a population of five thousand or more, but less than twenty-five thousand.
3. c. ~~To each quarter quarter section of unincorporated territory the majority of which is located within two~~ Four miles [3.22 6.44 kilometers] ~~of its limits in any direction if it is a~~ the city having has a population of twenty-five thousand or more.
2. If a quarter quarter section line bisects a platted lot and the majority of that platted lot lies within the quarter quarter section, a city may apply its extraterritorial zoning authority to the remainder of that platted lot. If the majority of the platted lot lies outside the quarter quarter section, the city may not apply its extraterritorial zoning authority to any of that platted lot.
3. Provided, that where ~~If two or more noneontiguous cities have boundaries at a distance where there would be is an overlap of extraterritorial zoning authority under this section, each city is authorized to control the zoning of land on its side of a line established in proportion to the authority each city has to zone land outside its limits in accordance with this section or pursuant to mutual agreement. The governing body may thereafter enforce such regulation in the area to the same extent as if such property were situated within the city's corporate limits. This territorial authority shall not authorize the application of zoning regulations to territory outside the corporate limits of land attached to a city by a strip of land not more than one hundred feet [30.48 meters] wide, nor shall this territorial authority authorize application of zoning regulations to territory outside the corporate limits of land included within such a strip of land. the governing bodies of the cities may enter into an agreement regarding the extraterritorial zoning authority of each city. The agreement must be for a specific term and is binding upon the cities unless the governing bodies of the cities agree to amend or rescind the agreement or unless determined otherwise by an administrative law judge in accordance with this chapter. If a dispute arises concerning the extraterritorial zoning authority of a city and the governing bodies of the cities involved fail to resolve the dispute, the dispute must be submitted to a committee for mediation. The committee must be comprised of one member appointed by the governor, one member of the governing body of each city, and one member of the planning commission of each city who resides outside the corporate city limits. The governor's appointee shall arrange and preside over the meeting and act as mediator at the meeting. A meeting may be continued until the dispute has been resolved or until the mediator determines that continued mediation is no longer worthwhile.~~
4. If the mediation committee is unable to resolve the dispute to the satisfaction of the governing bodies of all the cities involved, the governing body of any of the cities may petition the office of administrative hearings to appoint an administrative law judge to determine the extraterritorial zoning authority of the cities in the disputed area. A hearing may not be held until after at least two weeks' written notice has been given to the governing bodies of the cities involved in the dispute. At the hearing, the governor's appointee who mediated the meetings under subsection 3 shall provide information to the administrative law judge on the dispute between the cities involved and any proposed resolutions or recommendations made by a majority of the committee members. Any resident of, or person owning property in, a city involved in the dispute or the unincorporated territory that is the subject of the proposed extraterritorial zoning, a representative of such a resident or property owner, and any representative of a city involved, may appear at the hearing and present evidence on any matter to be determined by the administrative law judge. A decision by the administrative law judge is binding upon all the cities involved in the dispute and remains effective until the governing bodies of the cities agree to a change in the zoning authority of the cities. The governing body of a city may request a review of a decision of an administrative law judge due to changed circumstances at any time ten years after the decision has become final. An administrative law judge shall consider the following factors in making a decision under this subsection:

- a. The proportional extraterritorial zoning authority of the cities involved in the dispute;
  - b. The proximity of the land in dispute to the corporate limits of each city involved;
  - c. The proximity of the land in dispute to developed property in the cities involved;
  - d. Whether any of the cities has exercised extraterritorial zoning authority over the disputed land;
  - e. Whether natural boundaries such as rivers, lakes, highways, or other physical characteristics affecting the land are present;
  - f. The growth pattern of the cities involved in the dispute; and
  - g. Any other factor determined to be relevant by the administrative law judge.
5. For purposes of this section, the population of a city must be determined by the last official regular or special federal census. If a city has incorporated after a census, the population of the city must be determined by a census taken in accordance with chapter 40-22.
  6. When a portion of the city is attached to the bulk of the city by a strip of land less than one-hundred feet wide, that portion and strip of land must be disregarded when determining the extraterritorial zoning limits of the city. This subsection does not affect the ability of a city to zone land within its city limits.
  7. For the purposes of this section, a quarter quarter section shall be determined in the manner provided by 2 Stat. 313 [43 U.S.C. 752]. When appropriate, the phrase "quarter quarter section" refers to the equivalent government lot.

**SECTION 2. AMENDMENT.** Section 40-48-18 of the North Dakota Century Code is amended and reenacted as follows:

**40-48-18. Jurisdiction of Extraterritorial subdivision regulation authority - Mediation - Determination by administrative law judge.** ~~The territorial jurisdiction of any city planning commission over the subdivision or platting of land shall include all land located within the corporate limits of the city. Based upon the population of the city as determined by the last official regular or special federal census or, in case of a city incorporated subsequent to such census, a census taken in accordance with chapter 40-02, the governing body of a city may, by ordinance, extend the application of the city's subdivision regulations:~~

1. ~~To unincorporated territory located within one half mile [.80 kilometer] of its limits in any direction if it is a city having a population of less than five thousand.~~
2. ~~To unincorporated territory located within one mile [1.61 kilometers] of its limits in any direction if it is a city having a population of five thousand or more, but less than twenty five thousand.~~
3. ~~To unincorporated territory located within two miles [3.22 kilometers] of its limits in any direction if it is a city having a population of twenty five thousand or more.~~

~~Provided, that where two or more noncontiguous cities have boundaries at a distance where there would be an overlap of subdivision regulation authority under this section, each city is authorized to control the subdivision of land on its side of a line established in proportion to the authority each city has to control the subdivision of land outside its limits in accordance with this section or pursuant to mutual agreement. The governing body may thereafter enforce such regulations in the area to the same extent as if such property were situated within the city's corporate limits.~~

1. A city may, by ordinance, extend its regulation of subdivisions beyond its corporate limits to the same extent as a city is authorized to extend its zoning authority under section 40-47-01.1.
2. If two or more cities have boundaries at a distance where there is an overlap of extraterritorial subdivision regulation authority under this section, the governing bodies of the cities may enter into an agreement regarding the extraterritorial subdivision regulation authority of each city. The agreement must be for a specific term and is binding upon the cities unless the governing bodies of the cities agree to amend or rescind the agreement or unless determined otherwise by an administrative law judge in accordance with this chapter. If a dispute arises concerning the extraterritorial subdivision regulation authority of a city, and the governing bodies of the cities involved fail to resolve the dispute, the dispute must be submitted to a committee for mediation. The committee must be comprised of one member appointed by the governor, one member of the governing body of each city, and one member of the planning commission of each city who resides outside the corporate city limits. The governor's appointee shall arrange and preside over the meeting and act as mediator at the meeting. The meeting may be continued until the dispute has been resolved or until the mediator determines that continued mediation is no longer worthwhile.
3. If the mediation committee is unable to resolve the dispute to the satisfaction of the governing bodies of all the cities involved, the governing body of any of the cities may petition the office of administrative hearings to appoint an administrative law judge to determine the extraterritorial subdivision regulation authority of the cities in the disputed area. A hearing may not be held until after at least two weeks' written notice has been given to the governing bodies of the cities involved in the dispute. At the hearing, the governor's appointee who mediated the meetings under subsection 2 shall provide information to the administrative law judge on the dispute between the cities involved and any proposed resolutions or recommendations made by a majority of the committee members. Any resident of, or person owning property in, a city involved in the dispute or the unincorporated territory that is the subject of the proposed subdivision regulation, a representative of such a resident or property owner, and any representative of a city involved, may appear at the hearing and present evidence on any matter to be determined by the administrative law judge. A decision by the administrative law judge is binding upon all the cities involved in the dispute and remains effective until the governing bodies of the cities agree to a change in the subdivision regulation authority of the cities. The governing body of a city may request a review of a decision of an administrative law judge due to changed circumstances at any time ten years after the decision has become final. An administrative law judge shall consider the following factors in making a decision under this subsection:
  - a. The proportional extraterritorial subdivision regulation authority of the cities involved in the dispute;
  - b. The proximity of the land in dispute to the corporate limits of each city involved;
  - c. The proximity of the land in dispute to developed property in the cities involved;
  - d. Whether any of the cities has exercised extraterritorial subdivision regulation authority over the disputed land;
  - e. Whether natural boundaries such as rivers, lakes, highways, or other physical characteristics affecting the land are present;
  - f. The growth pattern of the cities involved in the dispute; and
  - g. Any other factor determined to be relevant by the administrative law judge."

**REPORT OF STANDING COMMITTEE**

**SB 2389: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2389 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2391: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2391 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a court facility" with "an additional"

Page 1, line 3, replace "**Court facilities supplement fund - Fee**" with "**Additional fee**"

Page 1, line 4, after "limit" insert ", at any time,"

Page 1, line 6, replace "the" with "a" and after "limit" insert "on that highway"

Page 1, line 15, replace "paid over to the treasurer of the" with "deposited in the common schools trust fund."

Page 1, remove lines 16 through 19

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2395: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2395 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2396: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2396 was placed on the Sixth order on the calendar.

Page 1, remove lines 5 and 6

Page 1, line 7, replace "2" with "1"

Page 1, line 8, replace "3" with "2"

Page 1, line 10, replace "4" with "3"

Page 1, line 13, replace "5" with "4"

Page 1, line 17, replace "Upon approval by the commissioner" with "Any insurer or group"

Page 1, line 18, remove "insurance," and replace "incorporate or organize" with "establish"

Page 1, line 19, replace "All" with "Except as provided in this Act, all"

Page 1, line 20, replace "body" with "board, which must include a representative of the Bank of North Dakota. The Bank of North Dakota shall administer the fund; however, the governing board is responsible for adopting fund policies and procedures" and replace "However, the" with "The"

Page 1, line 21, replace "body" with "board"

Page 1, line 22, remove "and an insurer or group of affiliated insurers may not own"

Page 1, remove line 23

Page 1, line 24, remove "company established under this section"

Page 2, line 2, after "state" insert "and no loan may be approved or made by the fund without a ten percent participation in the aggregate amount of the loan by the Bank of North Dakota. The participation of the Bank of North Dakota in a loan may not exceed ten

percent of the aggregate amount of the loan. A loan from the fund may not be made to an insurer"

Page 2, line 3, replace "body" with "board"

Page 2, line 6, replace "body" with "board"

Page 2, line 8, replace "and" with a comma

Page 2, line 9, replace "is" with "represents", after "project" insert ", and make a recommendation to the governing board to either approve or disapprove the loan application", and replace "No more than fifteen percent of the capitalization" with "The Bank of North Dakota shall administer all loans issued by the fund and shall receive from the fund a service fee of twenty-five basis points on all loans in place"

Page 2, remove line 10

Page 2, line 11, remove "loan from the fund may not be made to an insurer" and replace "audit" with "examine"

Page 2, line 13, after the period insert "The fund shall pay for the costs of an examination and no credit may be allowed any insurer for payment of examination costs as otherwise provided under section 26.1-03-17."

Page 2, line 15, replace "body" with "board", after "for" insert "performance of an audit and", and remove "an"

Page 2, line 16, replace "statement" with "statements"

Page 2, line 19, replace "body" with "board" and replace "statement" with "financial statements"

Page 2, line 21, replace "statement" with "audit and preparation of financial statements"

Page 2, line 22, replace "An" with "If the requirements of this Act are met, an"

Page 2, replace lines 24 through 31 with:

1. An insurer making or participating in a loan under this Act is entitled to a premium tax credit calculated for each calendar year the loan is in place. The amount of the credit is the difference between:
  - a. The participating insurer's share of the interest earned on the loan during the calendar year; and
  - b. The participating insurer's share of an amount of interest that would have been earned during the same period by applying an interest rate, calculated by adding three hundred basis points to a comparable treasury security rate at the date of the issuance of the loan.
2. The maximum credit allowed an insurer for any calendar year is the amount of interest that would have been earned during the period by applying an interest rate of three hundred basis points. A credit may not be allowed if the interest earned exceeds the interest that would have been earned by applying the calculation in subdivision b of subsection 1.
3. The credit may not exceed the total amount of the insurer's tax liability under subsection 1 of section 26.1-03-17 and no unused credit may be carried forward.
4. Credits under this section for all insurers may not exceed one million dollars in a calendar year.

**SECTION 7. Assets of insurers.** The amount of a loan made by an insurer or the amount of an insurer's participation in a loan made under this Act may not be considered or reported on the insurer's annual statement as an admitted asset except to the extent provided under section 26.1-05-19."

Page 3, remove lines 1 through 9

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2397: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2397 was placed on the Sixth order on the calendar.

Page 1, line 2, after "for" insert "state"

Page 1, line 23, after the period insert "The annual review by an employee may occur in conjunction with the employee's annual employment review."

Page 4, line 20, after "board" insert a comma

Page 4, line 21, remove "and all units of local government in North"

Page 4, line 22, remove "Dakota"

Page 10, line 24, remove "by first-class mail"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4014: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4014 was placed on the Sixth order on the calendar.

Page 1, line 1, after "resolution" replace the remainder of the resolution with "directing the Legislative Council to study the feasibility and desirability of restructuring county government.

**WHEREAS**, proposals to consolidate services in counties of the state have been discussed frequently and considered by the Legislative Assembly; and

**WHEREAS**, in recent years counties have entered a variety of joint efforts to deliver services more cost effectively, but the efficiency and transferability of those joint efforts have not been evaluated; and

**WHEREAS**, consolidation and coordination efforts in other areas have proven to be difficult without sufficient technical assistance; and

**WHEREAS**, because there are potential advantages and disadvantages to changing the structure of county government, thoughtful review and study are needed to fully examine the legal and administrative issues necessary to make a decision in the best interest of all citizens of the state; and

**WHEREAS**, a comprehensive study of restructuring county government is a many-sided issue that needs thorough study and comment from citizens;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Legislative Council study the feasibility and desirability of restructuring county government; and

**BE IT FURTHER RESOLVED**, that the study include an examination of examples of consolidation of services to determine the cost-effectiveness and transferability of those consolidations and an examination of methods through which the state may be able to provide affordable technical assistance to counties choosing to consolidate, merge, or share services and a review of the effect of 1993 Session Laws Chapter 401; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-sixth Legislative Assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4020: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4020 was placed on the Sixth order on the calendar.

Page 1, line 4, after the first comma insert "the state highway patrol,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4024: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4024 was placed on the Sixth order on the calendar.

Page 1, line 2, after "mail" insert "and records management"

Page 1, line 11, after the semicolon insert "and

**WHEREAS**, official business may be conducted electronically using digital signatures; and

**WHEREAS**, standards and procedures need to be reviewed for the effective management of the electronic records;"

Page 1, line 14, after "mail" insert "and records management"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4030: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4030 was placed on the Sixth order on the calendar.

Page 1, line 19, after the semicolon insert "and

**WHEREAS**, the federally recognized tribes in the state desire to engage in constructive dialogue with the state regarding welfare reform issues of mutual concern;"

Page 1, after line 23, insert:

**"BE IT FURTHER RESOLVED**, that the Legislative Council, in conducting its study, shall solicit input from tribal members, tribal leaders, and tribal government officials interested in state and tribal welfare reform issues; and"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4031: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4031 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4033: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4033 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4034: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4034 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4036: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4036 was placed on the Sixth order on the calendar.

Page 1, after line 17, insert:

**"BE IT FURTHER RESOLVED**, that the study determine the existence and degree of discrimination in this state, determine current and additional remedies including educational initiatives to prevent discrimination, and develop recommendations to establish a commission visible to the public with representative membership able to objectively investigate citizen complaints and enforce remedies; and

**BE IT FURTHER RESOLVED**, that the study include an examination of the membership, structure, authority, duties and responsibilities, and funding of commissions in other states; and"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4037: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4037 was placed on the Sixth order on the calendar.

Page 1, line 2, after "operators" insert ", including which state agency would manage a state licensing process, the fees necessary to fund a licensing program, whether adequate training opportunities exist to support licensing, and whether any other state has a boiler licensing program with which this state could join"

Page 1, line 12, after "operators" insert ", including which state agency would manage a state licensing process, the fees necessary to fund a licensing program, whether adequate training opportunities exist to support licensing, and whether any other state has a boiler licensing program with which this state could join"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4039: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4039 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4041: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4041 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1088: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1088 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1121: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1121 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1178, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1178 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 12.1-22-03 of the North Dakota Century Code, relating to criminal trespass; to"

Page 1, after line 12, insert:

**"SECTION 2.** A new subsection to section 12.1-22-03 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

This section does not apply to a peace officer in the course of discharging the peace officer's official duties."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1232, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1232 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1239, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1239 was placed on the Fourteenth order on the calendar.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

Sens. Holmberg, Freborg, Goetz, Nething, Redlin, Robinson introduced:

**SCR 4046:** A concurrent resolution directing the Legislative Council to study the role of the State Board for Vocational and Technical Education in work force training and retraining, to determine whether the current organizational structure of the board is adequate to ensure continued leadership in readying the state's citizens for a globally competitive marketplace, and to determine the adequacy of funding for the board and for vocational and technical education in this state.

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

Sens. Holmberg, Freborg, O'Connell, Wanzek and Rep. R. Kelsch introduced:

**SCR 4047:** A concurrent resolution directing the Legislative Council to study the short-term and long-term impact of federal education legislation, and other direct and indirect mandates from whatever sources, on the educational goals and fiscal well-being of school districts.

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

Sen. W. Stenehjem and Reps. Christenson, Price introduced:

**SCR 4048:** A concurrent resolution directing the Legislative Council to study the interrelationship of the postjudgment issues of child support and visitation, including the accountability of both parents to honor divorce orders and the development of a parenting education program that addresses the impact of divorce on children.

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

Sens. W. Stenehjem, Nalewaja, Watne and Reps. R. Kelsch, Kretschmar, Stenehjem introduced:

**SCR 4049:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of revising the sections of the North Dakota Century Code which relate to sexual offenses.

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

Sens. G. Nelson, Mathern and Reps. Dorso, Boucher introduced:

**SCR 4050:** A concurrent resolution directing the Legislative Council to study taxation and regulatory incentives for the lignite industry in order to improve its competitive position in the energy marketplace.

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

Sens. Solberg, Christmann introduced:

**SCR 4051:** A concurrent resolution directing the Legislative Council to study the desirability of requiring that a core curriculum be taught from kindergarten through grade 12; and if determined to be desirable, to develop a core curriculum or endorse an existing core curriculum for delivery to each North Dakota school child, regardless of where the child resides; and to determine the desirability and feasibility of requiring the state to assume all costs of delivering that core curriculum to each North Dakota school child.

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

Sens. Andrist, Naaden, Solberg and Reps. Huether, Kempenich introduced:

**SCR 4052:** A concurrent resolution directing the Legislative Council to study occupational and professional licensing entities with an emphasis on methods to privatize licensing entities.

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

Sens. LaFountain, Nalewaja, Robinson introduced:

**SCR 4053:** A concurrent resolution directing the Legislative Council to study the prevention of and dispositional alternatives to juvenile crime with a focus on services offered to American Indian children.

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

Sens. DeMers, Fischer, Thane, Yockim introduced:

**SCR 4054:** A concurrent resolution directing the Legislative Council to study whether the Department of Human Services should reimburse qualified service providers who provide assistive technology devices and services to individuals with disabilities.

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

Sen. Andrist introduced:

**SCR 4055:** A concurrent resolution directing the Legislative Council to study the potential for expansion of extended area telecommunications service.

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

Sens. W. Stenehjem, Thane and Reps. Delmore, Oban introduced:

(Approved by the Committee on Delayed Bills)

**SCR 4056:** A concurrent resolution urging the State Department of Health to utilize its rulemaking authority to strengthen the remediation and long-term liability requirements for solid waste disposal.

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

### FIRST READING OF HOUSE BILLS

**HB 1046:** A BILL for an Act to create and enact a new subsection to section 12.1-01-04 and a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to the definition of risk assessment and the authority of the department of human services to establish the method of risk assessment; and to amend and reenact subsection 11 of section 12.1-32-02 of the North Dakota Century Code, relating to risk assessments in certain presentence investigations.

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

**HB 1111:** A BILL for an Act to create and enact a new section to chapter 27-20 of the North Dakota Century Code, relating to parental attendance at alcohol treatment for a child; and to amend and reenact subsection 7 of section 39-06-32, sections 39-20-01, 39-20-03.1, 39-20-03.2, subsection 1 of section 39-20-04.1, subsections 2, 3, and 5 of section 39-20-05, subsection 3 of section 39-20-07, and section 39-20-09 of the North Dakota Century Code, relating to the illegal level of alcohol and drug concentration for motor vehicle operators under twenty-one years of age.

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

**HB 1142:** A BILL for an Act to create and enact two new sections to chapter 15-39.1 of the North Dakota Century Code, relating to the composition and administrative authority of the teachers' fund for retirement board; to amend and reenact section 15-39.1-07 and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to vacancies on and appointments to the teachers' fund for retirement board; and to repeal section 15-39.1-05 of the North Dakota Century Code, relating to management of the teachers' fund for retirement.

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

**HB 1159:** A BILL for an Act to create and enact a new section to chapter 16.1-12 of the North Dakota Century Code, relating to the time allowed for independent candidates to circulate nominating petitions; to amend and reenact sections 16.1-12-02.2 and 16.1-12-04 of the North Dakota Century Code, relating to election boards counting write-in votes, certificates of write-in candidacy, write-in candidates seeking more than one office, and the secretary of state and county auditors certifying independent nominations to one another; and to repeal section 16.1-12-05 of the North Dakota Century Code, relating to the secretary of state certifying independent nominations to the county auditor.

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

**HB 1162:** A BILL for an Act to create and enact three new subsections to section 54-23.4-10 of the North Dakota Century Code, relating to closure of crime victims compensation claims; to amend and reenact sections 54-23.4-01, 54-23.4-03, 54-23.4-06, 54-23.4-11, and 54-23.4-12 of the North Dakota Century Code, relating to definitions, award of benefits, attorney's fees, and subrogation for purposes of crime victims compensation; and to provide an effective date.

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

**HB 1176:** A BILL for an Act to provide for damages for defamation of agricultural products and management practices; and to provide a penalty.

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

**HB 1185:** A BILL for an Act to amend and reenact sections 4-10.4-03, 4-10.4-08, and 4-10.4-12 of the North Dakota Century Code, relating to the state barley council and the tax assessment on barley production.

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

**HB 1249:** A BILL for an Act to create and enact a new subsection to section 26.1-39-05 of the North Dakota Century Code, relating to insurance coverage on structures.

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

**HB 1281:** A BILL for an Act to amend and reenact section 24-01-28 of the North Dakota Century Code, relating to vacating land taken or acquired for highway purposes.

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

**HB 1282:** A BILL for an Act to amend and reenact section 36-21.1-09 of the North Dakota Century Code, relating to the use of live beef and dairy cattle as a raffle prize; to provide an effective date; and to declare an emergency.

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

**HB 1306:** A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 27-20-34 of the North Dakota Century Code, relating to transfers from juvenile to adult court.

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

**HB 1314:** A BILL for an Act to designate the training facility located at Camp Grafton (South) as the Major General C. Emerson Murry regional live fire and maneuver training center.

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

**HB 1346:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to issuance of distinctive motor vehicle license plates to individuals eligible for interment in the North Dakota veterans' cemetery.

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

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

**William C. Parker, Secretary**