

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, February 5, 1999

The Senate convened at 12:30 p.m., with Acting President Pro Tem Holmberg presiding.

The prayer was offered by Chaplain D. Mark Antal, Lebanon, North Prairie, and Hope Free Lutheran, Leeds and Rugby.

The roll was called and all members were present except Senators O'Connell and W. Stenehjem.

A quorum was declared by the Acting President Pro Tem.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Sand, Chairman)** has carefully examined the Journal of the Twenty-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 223, line 6, replace "Myrdal" with "Pro Tem W. Stenehjem"

Page 223, line 10, after "President" insert "Pro Tem"

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

MOTION

SEN. G. NELSON MOVED that SB 2006, SCR 4012, SCR 4013, SCR 4007, SCR 4015, SCR 4016, and SCR 4011 be placed at the bottom of the calendar, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that after action taken on the Sixth order, SB 2001, SB 2005, SB 2010, SB 2011, SB 2014, SB 2017, and SB 2025 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2001: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ pages 238-239 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; and to amend and reenact section 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.

Engrossed SB 2001 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2005: SEN. BOWMAN (Appropriations Committee) MOVED that the amendments on SJ pages 239-240 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.

Engrossed SB 2005 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2010: SEN. SOLBERG (Appropriations Committee) MOVED that the amendments on SJ pages 242-243 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2010: A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; to amend and reenact sections 26.1-01-09 and 26.1-23-03 of the North Dakota Century Code, relating to the salary of the insurance commissioner and the unsatisfied judgment fund; and to provide for a legislative council study.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.

Engrossed SB 2010 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2011: SEN. TOMAC (Appropriations Committee) MOVED that the amendments on SJ pages 243-244 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the securities commissioner.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach;

Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.

Engrossed SB 2011 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2014: SEN. KRAUTER (Appropriations Committee) MOVED that the amendments on SJ page 244 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2014: A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Solberg

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.

Engrossed SB 2014 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2017: SEN. TALLACKSON (Appropriations Committee) MOVED that the amendments on SJ pages 244-245 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2017: A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.

Engrossed SB 2017 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2025: SEN. KRINGSTAD (Appropriations Committee) MOVED that the amendments on SJ pages 245-246 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2025: A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Naaden; O'Connell; Redlin; Stenehjem, W.

Engrossed SB 2025 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2127: SEN. BERCIER (Transportation Committee) MOVED that the amendments on SJ pages 246-247 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2256: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 247 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2286: SEN. THOMPSON (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 247 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2310: SEN. THOMPSON (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 248-249 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2342: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 249-250 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2401: SEN. D. MATHERN (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 250 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

MOTION

SEN. KROEPLIN MOVED that the Senate reconsider its action whereby SB 2331 failed to pass, which motion failed on a verification vote. Therefore, SB 2331 will not be reconsidered.

SECOND READING OF SENATE BILL

SB 2202: A BILL for an Act to amend and reenact section 15-40.1-13 of the North Dakota Century Code, relating to distribution of mineral royalties to counties and school districts; to provide a continuing appropriation; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand;

Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.

Engrossed SB 2202 passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Joe Keller.

SECOND READING OF SENATE BILL

SB 2270: A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to country of origin labels.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.

Engrossed SB 2270 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2279: A BILL for an Act to create and enact two new sections to chapter 39-10.1 of the North Dakota Century Code, relating to bicycle helmets and restraining seats; and to amend and reenact section 39-10.1-01 of the North Dakota Century Code, relating to bicycles; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 13 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bercier; DeMers; Fischer; Flakoll; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Tallackson; Thane; Thompson; Tomac; Traynor; Wardner; Watne

NAYS: Andrist; Bowman; Christmann; Cook; Freborg; Grindberg; Klein; Mutch; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Wanzek

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.; Urlacher

Engrossed SB 2279 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2303: A BILL for an Act relating to the liability of financial institutions and credit unions for malfunctions or failures of computer or other electronic systems as the result of a year 2000 disruption; and to provide an expiration 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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.; Urlacher

Engrossed SB 2303 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2381: A BILL for an Act to amend and reenact section 15-40.1-07.7 of the North Dakota Century Code, relating to per student payments for limited English proficient students; 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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Andrist; O'Connell; Stenehjem, W.; Urlacher

Engrossed SB 2381 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2388: A BILL for an Act to amend and reenact subsection 5 of section 14-15-11 of the North Dakota Century Code, relating to adoption investigations.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.; Urlacher

Engrossed SB 2388 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2123: A BILL for an Act to provide for contingent per student payments and supplemental salary increases for certain school district employees; and to declare an emergency.

MOTION

SEN. TOMAC MOVED that SB 2123 be amended as follows:

Page 1, line 1, remove "and supplemental salary"

Page 1, line 2, remove "increases for certain school district employees"

Page 1, line 4, remove "- SUPPLEMENTAL "

Page 1, line 5, remove "**SALARY PAYMENTS**"

Page 1, line 6, remove "1."

Page 1, remove lines 12 through 18

Renumber accordingly

REQUEST

SEN. DEMERS REQUESTED a verification vote on the motion to adopt the proposed amendments to SB 2123.

REQUEST

SEN. TOMAC REQUESTED a recorded roll call vote, instead of a verification vote, on the motion to adopt the proposed amendments to SB 2123, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2123, the roll was called and there were 12 YEAS, 34 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Heitkamp; Kinnoin; Krauter; Kroeplin; Mathern, D.; Mutzenberger; Nelson, C.; Redlin; Robinson; Tallackson; Thompson; Tomac

NAYS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, T.; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Thane; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.; Urlacher

The proposed amendments to SB 2123 failed.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Redlin; Robinson; Tallackson; Thane; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.; Urlacher

SB 2123 lost.

MOTION

SEN. ST. AUBYN MOVED that SB 2144, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2222: A BILL for an Act to create and enact a new subsection to section 26.1-17-33.1 of the North Dakota Century Code, relating to the board of directors of a nonprofit mutual insurance company.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 30 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Redlin; Robinson; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.; Urlacher

SB 2222 lost.

SECOND READING OF SENATE BILL

SB 2241: A BILL for an Act to amend and reenact subsection 3 of section 28-22-03.1 of the North Dakota Century Code, relating to the absolute exemption of Roth individual retirement accounts in process, levy, and sale proceedings.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.; Urlacher

SB 2241 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2259: A BILL for an Act to create and enact a new section to chapter 11-09.1 of the North Dakota Century Code, relating to the exemption of purchases by nonresidents from county home rule sales taxes.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 16 YEAS, 30 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Freborg; Heitkamp; Klein; Krauter; Kroepin; Mutch; Naaden; Robinson; Solberg; Stenehjem, B.; Tomac; Wanzek; Watne

NAYS: Bercier; Bowman; DeMers; Fischer; Flakoll; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Nelson, G.; Nething; Redlin; Sand; Schobinger; St. Aubyn; Tallackson; Thane; Thompson; Traynor; Wardner

ABSENT AND NOT VOTING: O'Connell; Stenehjem, W.; Urlacher

SB 2259 lost.

SECOND READING OF SENATE BILL

SB 2302: A BILL for an Act to provide that every issuer of insurance for personal property offer a policy with premiums based on the current value of the property.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 28 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroepin; Lindaas; Mathern, T.; Mutzenberger; Schobinger; Solberg; Tomac; Traynor

NAYS: Christmann; Cook; Fischer; Flakoll; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Mutch; Naaden; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Freborg; O'Connell; Redlin; Stenehjem, W.; Urlacher

SB 2302 lost.

SECOND READING OF SENATE BILL

SB 2319: A BILL for an Act to create and enact a new subsection to section 32-03.2-11 of the North Dakota Century Code, relating to exemplary damages for accidents involving motor vehicle operators under the influence of alcohol or a controlled substance.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Wanzek; Wardner; Watne

NAYS: Andrist; Kroeplin

ABSENT AND NOT VOTING: O'Connell; Redlin; Stenehjem, W.; Urlacher

SB 2319 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2359: A BILL for an Act to create and enact a new section to chapter 38-08 of the North Dakota Century Code, relating to oil and gas production payments.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 44 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

NAYS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kelsh; O'Connell; Redlin; Stenehjem, W.; Urlacher

SB 2359 lost.

SECOND READING OF SENATE BILL

SB 2230: A BILL for an Act to amend and reenact subsection 3 of section 15-40.1-06 of the North Dakota Century Code, relating to the school district equalization factor.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 28 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Flakoll; Heitkamp; Kelsh; Klein; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutch; Naaden; Solberg; Thompson; Tomac

NAYS: Christmann; Cook; DeMers; Fischer; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Krebsbach; Kringstad; Lee; Lyson; Mutzenberger; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Redlin; Stenehjem, W.; Urlacher

SB 2230 lost.

SECOND READING OF SENATE BILL

SB 2260: A BILL for an Act to create and enact a new section to chapter 34-02 of the North Dakota Century Code, relating to accessing an employee's personnel file.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 28 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bercier; Cook; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Schobinger; Tallackson; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Mutch; Naaden; Nelson, G.; Nething; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Thane; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Redlin; Stenehjem, W.; Urlacher

SB 2260 lost.

SECOND READING OF SENATE BILL

SB 2296: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 15-40.1-06 of the North Dakota Century Code, relating to the educational support per student.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 39 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Kelsh; Lindaas; Mutzenberger; Nelson, C.; Tallackson; Thompson

NAYS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mathern, D.; Mathern, T.; Mutch; Naaden; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Thane; Tomac; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Redlin; Stenehjem, W.; Urlacher

SB 2296 lost.

SECOND READING OF SENATE BILL

SB 2337: A BILL for an Act to amend and reenact subsection 1 of section 15-40.1-06, section 40-57.1-03, subdivision b of subsection 15 of section 57-02-08, and section 57-39.2-26.1 of the North Dakota Century Code, relating to per student payments, tax exemptions, and the allocation of revenues among political subdivisions.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 31 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, T.; Mutzenberger; Nelson, C.; Tallackson; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Mutch; Naaden; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Thane; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell; Redlin; Stenehjem, W.; Urlacher

SB 2337 lost.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1085, HB 1200, HB 1223, HB 1310, HB 1406, HB 1446, HB 1459.

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 2074, SB 2235, SB 2314.

MOTION

SEN. ST. AUBYN MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, February 8, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2020: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2020 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "4,337,656" with "4,299,169"

Page 1, line 13, replace "1,130,735" with "782,735"

Page 1, line 17, replace "8,065,255" with "7,678,768"

Page 1, line 19, replace "7,032,817" with "6,646,330"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 701 - STATE HISTORICAL SOCIETY

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$4,337,656	(\$38,487)	\$4,299,169
Operating expenses	908,323		908,323
Equipment	81,244		81,244
Major improvements	1,130,735	(\$348,000)	782,735
Grants	485,559		485,559
Yellowstone-Missouri-Ft. Union Commission	4,727		4,727
Lewis and Clark bicentennial	<u>1,117,011</u>		<u>1,117,011</u>
Total all funds	\$8,065,255	(\$386,487)	\$7,678,768
Less special funds	<u>1,032,438</u>		<u>1,032,438</u>
General fund	\$7,032,817	(\$386,487)	\$6,646,330
FTE	54.00	0.00	54.00

Detail of Senate changes to the executive budget include:

	REDUCE FORT TOTTEN CAPITAL PROJECT ¹	REMOVE GINGRAS CAPITAL PROJECT ²	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	TOTAL SENATE CHANGES
Salaries and wages			(\$53,883)	\$15,396	(\$38,487)
Operating expenses					
Equipment					
Major improvements	(\$158,000)	(\$190,000)			(348,000)
Grants					
Yellowstone-Missouri-Ft. Union Commission					
Lewis and Clark bicentennial					
Total all funds	(\$158,000)	(\$190,000)	(\$53,883)	\$15,396	(\$386,487)
Less special funds					
General fund	(\$158,000)	(\$190,000)	(\$53,883)	\$15,396	(\$386,487)
FTE	0.00	0.00	0.00	0.00	0.00

Senate changes narrative:

1 Reduces funding provided in the executive budget for Fort Totten development projects by \$158,000, from \$508,000 to \$350,000.

2 Removes the \$190,000 provided in the executive budget for the Gingras Trading Post planning and design.

REPORT OF STANDING COMMITTEE

SB 2021: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2021 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "1,426,843" with "1,413,829"

Page 1, line 13, replace "1,696,579" with "1,695,274"

Page 1, line 14, replace "7,284,831" with "7,263,325"

Page 1, line 16, replace "10,763,253" with "10,727,428"

Page 1, line 17, replace "4,452,110" with "4,450,999"

Page 1, line 18, replace "6,311,143" with "6,276,429"

Page 1, line 23, replace "11,127,836" with "6,741,012"

Page 1, after line 23, insert:

"Grand total special funds appropriation S.B. 2021	\$4,450,999
Grand total all funds appropriation S.B. 2021	\$11,192,011"

Page 2, after line 8, insert:

"SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the parks and recreation department for the purpose of providing a grant to the North Dakota Lewis and Clark bicentennial foundation for the biennium beginning July 1, 1999, and ending June 30, 2001. The parks and recreation department may provide the grant funds only to the extent the North Dakota Lewis and Clark foundation provides an equal amount of matching funds. The grant funds are intended to provide a portion of the funds needed to match federal transportation enhancement funds to be used to construct an addition to the Lewis and Clark interpretive center near Washburn."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 750 - PARKS AND RECREATION DEPARTMENT

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Administration	\$1,426,843	(\$13,014)	\$1,413,829
Recreation	1,696,579	(1,305)	1,695,274
Natural resources	7,284,831	(21,506)	7,263,325
Lewis and Clark bicentennial	355,000		355,000

Separate section - Grant		<u>100,000</u>	<u>100,000</u>
Total all funds	\$10,763,253	\$64,175	\$10,827,428
Less special funds	<u>4,452,110</u>	<u>(1,111)</u>	<u>4,450,999</u>
General fund	\$6,311,143	\$65,286	\$6,376,429
FTE	40.00	0.00	40.00

Detail of Senate changes to the executive budget include:

	LEWIS AND CLARK INTERPRETIVE CENTER ADDITION ¹	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	DELAY MARKET SALARY ADJUSTMENTS TO 1/1/2001	TOTAL SENATE CHANGES
Administration		(\$8,961)	\$2,281	(\$6,334) ²	(\$13,014)
Recreation		(1,875)	570		(1,305)
Natural resources		(30,344)	8,838		(21,506)
Lewis and Clark bicentennial					
Separate section - Grant	<u>100,000</u>				<u>100,000</u>
Total all funds	\$100,000	(\$41,180)	\$11,689	(\$6,334)	\$64,175
Less special funds		<u>(1,680)</u>	<u>569</u>		<u>(1,111)</u>
General fund	\$100,000	(\$39,500)	\$11,120	(\$6,334)	\$65,286
FTE	0.00	0.00	0.00	0.00	0.00

Senate changes narrative:

¹ A separate section is added providing \$100,000 from the general fund to be granted to the North Dakota Lewis and Clark Bicentennial Foundation to be matched by other funds raised by the foundation. Combined, these funds are intended to provide the required 20 percent match for federal transportation enhancement funds for constructing an addition to the Lewis and Clark Interpretive Center near Washburn.

² In addition to the two percent annual salary increases, funding is included to provide the director a market equity salary increase of \$289.67 per month for the final six months of the biennium.

REPORT OF STANDING COMMITTEE

SB 2022: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2022 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "1,005,933" with "985,216"

Page 1, line 10, replace "3,350,437" with "3,270,437"

Page 1, line 13, replace "698,502" with "48,995"

Page 1, line 14, replace "5,100,250" with "4,350,026"

Page 1, line 16, replace "4,737,250" with "3,987,026"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 740 - TOURISM DEPARTMENT

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$1,005,933	(\$20,717)	\$985,216
Operating expenses	3,350,437	(80,000)	3,270,437
Equipment	15,378		15,378
Grants	30,000		30,000
Lewis and Clark bicentennial	<u>698,502</u>	<u>(649,507)</u>	<u>48,995</u>
Total all funds	\$5,100,250	(\$750,224)	\$4,350,026
Less special funds	<u>363,000</u>		<u>363,000</u>
General fund	\$4,737,250	(\$750,224)	\$3,987,026
FTE	12.00	(1.00)	11.00

Detail of Senate changes to the executive budget include:

	REMOVE LEWIS AND CLARK ADVERTISING 1	DELAY LEWIS AND CLARK POSITION ONE 2	REMOVE LEWIS AND CLARK POSITION TWO 3	REMOVE RENT FUNDING 4	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST
Salaries and wages					(\$10,897)	\$2,566
Operating expenses				(\$80,000)		
Equipment						
Grants						
Lewis and Clark bicentennial	(\$500,000)	(\$50,256)	(\$99,251)			
Total all funds	(\$500,000)	(\$50,256)	(\$99,251)	(\$80,000)	(\$10,897)	\$2,566
Less special funds						
General fund	(\$500,000)	(\$50,256)	(\$99,251)	(\$80,000)	(\$10,897)	\$2,566
FTE	0.00	0.00	(1.00)	0.00	0.00	0.00

	DELAY MARKET SALARY ADJUSTMENTS TO 1/1/2001	TOTAL SENATE CHANGES
Salaries and wages	(\$12,386) ⁵	(\$20,717)
Operating expenses		(80,000)
Equipment		
Grants		
Lewis and Clark bicentennial		(649,507)
Total all funds	(\$12,386)	(\$750,224)
Less special funds		
General fund	(\$12,386)	(\$750,224)
FTE	0.00	(1.00)

Senate changes narrative:

- 1 Removes funding added in the executive budget for advertising for the Lewis and Clark bicentennial event.
- 2 Delays hiring one of the two FTE public information specialist positions added in the executive budget related to the Lewis and Clark bicentennial until the second year of the biennium.
- 3 Removes funding for one of the two FTE public information specialist positions added in the executive budget related to the Lewis and Clark bicentennial.
- 4 Removes funding for rent added in the executive budget for the Tourism Department to move off the Capitol grounds. The department is to remain located on the Capitol grounds for the 1999-2001 biennium.
- 5 In addition to the two percent annual salary increases, funding is included to provide the director a market equity salary increase of \$133.92 per month for the final six months of the biennium and the deputy director a market equity salary increase of \$432.58 per month for the final six months of the biennium.

REPORT OF STANDING COMMITTEE

SB 2024: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2024 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "15,129,163" with "15,467,814"

Page 1, line 10, replace "7,280,549" with "7,380,549"

Page 1, line 13, replace "23,744,965" with "24,183,616"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 485 - WORKERS COMPENSATION BUREAU

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$15,129,163	\$338,651	\$15,467,814
Operating expenses	7,280,549	100,000	7,380,549
Equipment	1,206,840		1,206,840
Managed care/TPA	128,413		128,413
Total all funds	\$23,744,965	\$438,651	\$24,183,616
Less special funds	23,744,965	438,651	24,183,616
General fund	\$0	\$0	\$0

FTE	179.00	0.00	179.00
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Detail of Senate changes to the executive budget includes:

	PAY FOR PERFORMANCE FUNDING	INFORMATION TECHNOLOGY FUNDING	TOTAL SENATE CHANGES
Salaries and wages	\$338,651		\$338,651
Operating expenses		\$100,000	100,000
Equipment			
Managed care/TPA			
Total all funds	\$338,651	\$100,000	\$438,651
Less special funds	<u>338,651</u>	<u>100,000</u>	<u>438,651</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

Senate changes narrative:

This amendment restores \$338,651 of the \$388,651 reduction, made in the executive budget, for the department's pay for performance funding. The amendment also restores \$100,000 of information technology plan funding, which had been removed in the executive budget.

REPORT OF STANDING COMMITTEE

SB 2159: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2159 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "charged by the director for the placement of a vending machine"

Page 1, line 8, remove "dispensing a newspaper, magazine, or other publication"

Page 1, line 9, after the first "process" insert ", but may not exceed twenty-five dollars"

Page 1, line 10, remove "except when the publication contains obscene"

Page 1, remove line 11

Page 1, line 12, remove "court, the federal courts, and the courts of this state"

Page 2, line 3, remove "The director may specify the primary colors of vending machines to"

Page 2, line 4, remove "complement the decor or theme of the involved property."

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** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2160 was placed on the Sixth order on the calendar.

Page 1, line 21, remove the overstrike over "~~Coordinator of highway, road, and~~"

Page 1, line 22, remove the overstrike over "~~street program within state~~"

Page 2, remove the overstrike over lines 1 and 2

Page 2, line 3, after "he" insert "the director" and remove the overstrike over "~~may functionally classify as to the types of service, and the development of construction~~"

Page 2, line 4, remove the overstrike over "~~standards as hereinafter provided for~~"

Page 2, line 7, remove the overstrike over the overstruck period

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2162: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE**

REREFERRED to the **Appropriations Committee** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2162 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to provide for the reimbursement of certain reorganized districts; to create and enact two new sections to chapter 15-40.1 of the North Dakota Century Code, relating to contingent per student payments and proportionate payments for summer school programs;" and remove "subdivision a of"

Page 1, line 2, replace "and" with ", 15-40.1-07.3," and after "15-40.1-08" insert ", subsection 1 of section 57-15-14.2, and section 57-15-17.1"

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

Page 1, line 5, replace "Subdivision a of subsection" with "Subsection"

Page 1, line 9, replace "twenty-nine" with "thirty-nine"

Page 1, line 11, replace "twenty-one" with "ten"

Page 1, after line 13, insert:

- "b. The superintendent of public instruction shall monitor student enrollments. If the superintendent determines that the student enrollment figures warrant an adjustment in the amount of educational support per student set forth in subdivision a, the superintendent shall make an adjustment and reflect the adjustment in the March foundation aid payment, the April foundation aid payment, and in the final remaining foundation aid payment distributed before June thirtieth of each year, as provided for in section 15-40.1-05.
- c. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 must be supported in the amount of two hundred twenty dollars, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07.
- e- d. School districts operating high schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1991, or that become unaccredited in any succeeding school year must be supported for the ~~1991-92 school year~~ or for the first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07, but those school districts are not entitled to the amounts resulting from applying the factors in that section. The amount of aid a school district is entitled to under this subsection for each high school that is not accredited must be reduced by two hundred dollars times the number of students in the school for the second school year that the high school is unaccredited, and an additional two hundred dollars per student in the unaccredited school for each additional year the school remains unaccredited. Any high school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-07 for the entire school year in which the school becomes accredited.
- d- e. School districts operating elementary schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1992, or that become unaccredited in any succeeding school year must be supported for the ~~1992-93 school year~~ or for the first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-08, except that the amount of aid that a school district is entitled to under this subsection for each elementary school that is unaccredited must be reduced by two hundred dollars times the number of students in the school each year that the elementary school is unaccredited. Any elementary school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-08 for the entire school year in which the school becomes accredited."

Page 4, line 14, overstrike "School districts offering high school summer school programs are"

Page 4, overstrike lines 15 through 22

Page 4, after line 22, insert:

"SECTION 3. AMENDMENT. Section 15-40.1-07.3 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-40.1-07.3. Per student payments - Reorganization of school districts.

1. If any school district receiving per student payments calculated under section 15-40.1-07 reorganizes with another school district under chapter 15-27.3 or 15-27.6 before August 1, 1997, the school district resulting from the reorganization is entitled to receive the same per student payments for each high school student as each separate school district received for each high school student prior to the reorganization, for a period of four years.
2. If any school district receiving per student payments calculated under this chapter reorganizes with another school district under chapter 15-27.3 or 15-27.6 after July 31, 1997, the school district resulting from the reorganization is entitled to receive the same per student payments for each high school and elementary student as each separate school district received for each high school and elementary student prior to the reorganization, for a period of four years.
3. The weighting factor for each district will be adjusted proportionately over a period of two years, following the period of time provided in subsection 1 or 2, until the adjusted weighting factor equals the weighting factor for the combined enrollment resulting from the reorganization.
4. Notwithstanding the provisions of any other law, no school district may receive less in per student payments for the first year of its reorganization than the total amount that the districts participating in the reorganization received in per student payments for the school year immediately preceding the reorganization. If less than a whole school district participated in a reorganization, the superintendent of public instruction shall prorate the payments to which the newly reorganized district is entitled under this subsection.

Page 8, after line 19, insert:

"SECTION 5. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Contingent per student payments. If any funds appropriated by the legislative assembly to the grants-foundation aid and transportation line item remain after completion of the April first distribution in each odd-numbered year as provided for by section 15-40.1-05, the superintendent of public instruction shall distribute the funds as a separate and additional per student payment on a weighted basis as determined under chapter 15-40.1.

SECTION 6. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Summer school programs - Proportionate payments.

1. A school district that offers high school summer school programs is entitled to receive proportionate payments provided each course offered satisfies requirements for graduation, comprises at least as many clock hours as courses offered during the regular school term, and complies with rules adopted by the superintendent of public instruction.
2. A school district that offers remedial elementary summer school programs is entitled to receive proportionate payments provided the programs comply with rules adopted by the superintendent of public instruction.

3. The superintendent of public instruction may adopt rules regarding proportionate payments for remedial elementary summer school programs and high school summer school programs.
4. Proportionate payments made under this section during a biennium for summer school programs may not exceed one and one-half percent of the total amount appropriated by the legislative assembly for foundation aid and transportation aid during the biennium, or eight million dollars, whichever is less. No more than seventy-five percent of the amount made available under this subsection may be used to support high school summer school programs and no more than twenty-five percent of the amount made available under this subsection may be used to support remedial elementary summer school programs.

SECTION 7. AMENDMENT. Subsection 1 of section 57-15-14.2 of the North Dakota Century Code is amended and reenacted as follows:

1. A school board of any school district may levy an amount sufficient to cover general expenses including the costs of the following:
 - a. Board and lodging for high school students as provided in section 15-34.2-06.
 - b. The teachers' retirement fund as provided in section 15-39.1-28.
 - c. Tuition for students in grades seven through twelve as provided in section 15-40.2-12.
 - d. Special education program as provided in section 15-59-08.
 - e. The establishment and maintenance of an insurance reserve fund for insurance purposes as provided in section 32-12.1-08.
 - f. A final judgment obtained against a school district.
 - g. The district's share of contribution to the old-age survivors' fund and matching contribution for the social security fund as provided by chapter 52-09 and to provide the district's share of contribution to the old-age survivors' fund and matching contribution for the social security fund for contracted employees of a multidistrict special education board.
 - h. The rental or leasing of buildings, property, or classroom space. Minimum state standards for health and safety applicable to school building construction shall apply to any rented or leased buildings, property, or classroom space.
 - i. Unemployment compensation benefits.
 - j. The removal of asbestos substances from school buildings or the abatement of asbestos substances in school buildings under any method approved by the United States environmental protection agency and any repair, replacement, or remodeling that results from such removal or abatement, any remodeling required to meet specifications set by the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title 28, Code of Federal Regulations, part 36 [28 CFR 36], and any remodeling required to meet requirements set by the state fire marshal during the inspection of a public school.
 - k. Participating in cooperative vocational education programs approved by the state board.
 - l. Maintaining a vocational education program approved by the state board and established only for that school district.
 - m. Paying the cost of purchasing, contracting, operating, and maintaining schoolbuses.
 - n. Establishing and maintaining school library services.

- o. Equipping schoolbuses with two-way communications and central station equipment and providing for the installation and maintenance of such equipment.
- p. Establishing free public kindergartens in connection with the public schools of the district for the instruction of resident children below school age during the regular school term.
- q. Establishing, maintaining, and conducting a public recreation system.
- r. The district's share of contribution to finance an interdistrict cooperative agreement authorized by section 15-47-40.1.

SECTION 8. AMENDMENT. Section 57-15-17.1 of the North Dakota Century Code is amended and reenacted as follows:

57-15-17.1. Multiyear asbestos abatement and required remodeling levy by school district.

1. The governing body of any public school district may by resolution adopted by a two-thirds vote of the school board dedicate a tax levy for purposes of this section of not exceeding fifteen mills on the dollar of taxable valuation of property within the district for a period not longer than fifteen years. The school board may authorize and issue general obligation bonds to be paid from the proceeds of this dedicated levy for the purpose of ~~providing~~:
 - a. Providing funds for the removal of asbestos substances from school buildings or the abatement of asbestos substances in school buildings under any other method approved by the United States environmental protection agency and for any repair, replacement, or remodeling that results from removal or abatement of asbestos substances;
 - b. Any remodeling required to meet specifications set by the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities as contained in the appendix to title 28, Code of Federal Regulations, part 36 [28 CFR 36]; and
 - c. Any remodeling required to meet requirements set by the state fire marshal during the inspection of a public school.
2. All revenue accruing from the levy under this section, except revenue deposited as allowed by subsection 3, must be placed in a separate fund known as the asbestos abatement fund and must be accounted for within the capital projects fund group and disbursements must be made from such funds within this fund group for the purpose of asbestos abatement.
3. All revenue accruing from up to five mills of the fifteen mill levy under this section must be placed in a separate fund known as the required remodeling fund and must be accounted for within the capital projects fund group and disbursements must be made from such funds within this fund group for the purpose of required remodeling, as set forth in subsection 1.
4. Any moneys remaining in the asbestos abatement fund after completion of the principal and interest payments for any bonds issued for any school asbestos abatement project and any funds remaining in the required remodeling fund after completion of the remodeling projects must be transferred to the general fund of the school district upon the order of the school board.

SECTION 9. REIMBURSEMENT - REORGANIZED DISTRICTS. In distributing per student payments for the 1997-99 biennium, the superintendent of public instruction shall ensure that no school district reorganized after June 30, 1997, and before the effective date of sections 1 through 8 of this Act receives less in per student payments for the first year of its reorganization than the districts participating in the reorganization received in per student payments for the school year immediately preceding the reorganization.

SECTION 10. EMERGENCY. Section 9 of this Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2166: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2166 was placed on the Sixth order on the calendar.

Page 3, after line 31, insert:

- "3. Except for the failure to report information required by chapters 23-07, 23-07.1, 23-07.3, or 23-07.4, or any other law requiring disclosure of information regarding a disease or condition, an entity described in subsection 1 is not liable for the failure to disclose protected health information to a public health authority."

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

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

Page 4, line 6, replace "5" with "6"

Page 4, line 9, replace "6" with "7"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2171: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2171 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "four" with "five"

Page 2, line 21, after "Abandons" insert ", tortures, chronically abuses, or sexually abuses"

Page 13, line 2, replace "who" with "and"

Page 13, remove line 13

Page 13, line 14, replace "3" with "2" and replace "4" with "3"

Page 13, line 31, replace "who" with "and"

Page 14, line 1, replace "4" with "3"

Page 14, line 14, replace "5" with "4" and replace "3" with "2"

Page 14, line 29, replace "6" with "5" and replace "3" with "2"

Page 15, line 12, replace "7" with "6" and replace "3" with "2"

Page 15, line 19, replace "8" with "7"

Page 16, line 6, remove "**or permanent alteration**"

Page 16, line 8, remove "or permanent alteration"

Page 17, line 27, remove "**or permanently altering**" and after "**rights**" insert "**or appointing a legal guardian**"

Page 18, line 3, replace "otherwise permanently altering parental rights of a parent" with "appointing a legal guardian"

Page 18, line 4, replace the first "that" with "a" and replace "another person" with "the legal guardian"

Page 20, line 10, replace "Four" with "Five"

Page 20, after line 24, insert:

"Make training available to state's attorneys and assistant state's attorneys who are willing to collaborate with colleagues in other counties on petitions to terminate parental rights."

Page 21, line 26, overstrike "the National Child"

Page 21, overstrike line 27

Page 21, line 28, overstrike "as amended," and insert immediately thereafter "federal law"

Page 22, line 24, after "1." insert "a."

Page 22, line 26, remove "has resided continuously in"

Page 22, remove line 27

Page 22, after line 29, insert:

- "b. Fingerprints need not be taken and a nationwide background check need not be made if an individual:
- (1) Has resided continuously in this state for eleven years or since reaching age eighteen, whichever is less;
 - (2) Is on active United States military duty or has resided continuously in this state since receiving an honorable discharge; or
 - (3) Is excused from providing fingerprints under rules adopted by the department."

Page 23, after line 12, insert:

"6. The department may adopt emergency rules under this section without the finding otherwise required under section 28-32-02."

Page 23, line 29, replace "the National Child Protection Act of 1993 [Pub. L." with "federal law"

Page 23, line 30, remove "103-209; 107 Stat. 2490; 42 U.S.C. 5119, et seq.] as amended"

Page 24, replace lines 17 through 19 with:

- "6. Fingerprints need not be taken and a nationwide background check need not be made if an individual:
- a. Has resided continuously in this state for eleven years or since reaching age eighteen, whichever is less;
 - b. Is on active United States military duty or has resided continuously in this state since receiving an honorable discharge; or
 - c. Is excused from providing fingerprints under rules adopted by the department of human services."

Page 24, after line 23, insert:

"8. The department of human services may adopt emergency rules under this section without the finding otherwise required under section 28-32-02."

Page 26, line 2, replace "the" with "federal law"

Page 26, remove line 3

Page 26, line 4, remove "5119, et seq.], as amended,"

Page 26, replace lines 22 through 25 with:

"6. Fingerprints need not be taken and a nationwide background check need not be made if a prospective adoptive parent:"

- a. Has resided continuously in this state for eleven years or since reaching age eighteen, whichever is less;
- b. Is on active United States military duty or has resided continuously in this state since receiving an honorable discharge; or
- c. Is excused from providing fingerprints under rules adopted by the department of human services."

Page 26, after line 29, insert:

- "8. The department of human services may adopt emergency rules under this section without the finding otherwise required under section 28-32-02."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2180: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2180 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "26.1-02-05, 26.1-02-05.1,"

Page 1, line 7, remove "section 26.1-36-23,"

Page 1, line 9, remove "unauthorized insurance,"

Page 1, line 11, remove "group health insurance,"

Page 2, remove lines 14 through 30

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 15

Page 12, remove lines 18 through 30

Page 13, remove lines 1 through 30

Page 14, remove lines 1 through 28

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2182: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2182 was placed on the Sixth order on the calendar.

Page 2, line 3, replace "and" with:

- "4. Reimburse counties for expenses incurred in the administration of the children's health insurance program at rates based upon all counties' total administrative costs; and"

Page 2, line 4, replace "4." with "5."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2207: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2207 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "and"

Page 1, line 4, remove "; and to provide a penalty"

Page 2, line 2, remove "**and penalties**"

Page 2, line 3, replace "A telecommunications service provider may not make a change in or direct another" with "The provisions of title 47, Code of Federal Regulations, part 64, subpart k, apply to any telecommunications company submitting or executing an order on behalf of a subscriber of telecommunications service to change the subscriber's provider of intrastate telecommunications service or add a telecommunications intrastate service. A subscriber for whom an intrastate telecommunications service is added without compliance with title 47, Code of Federal Regulations, part 64, subpart k, is absolved of liability for charges imposed by the service provider during the first thirty days after the unauthorized addition. Upon being informed by the subscriber that an unauthorized addition has occurred, the telecommunications company providing the service shall cancel the service addition, inform the subscriber of the forty-five day absolution period, and refund any payments made by the subscriber for the service during the absolution period. The telecommunications company may rebill for any additional service provided before the cancellation if the company determines the service addition was properly authorized. The remedies provided in this section are in addition to any other remedies available at law."

Page 2, remove lines 4 through 31

Page 3, remove lines 1 through 31

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2233: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2233 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2244: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2244 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2247: Natural Resources Committee (Sen. Traynor, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2247 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2250: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2250 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

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

Page 1, line 9, remove "litigation" and after "settlement" insert "dollars obtained by the state under sections IX (payments) and XI (calculation and disbursement of payments) of the master settlement agreement and consent agreement adopted by the district court in its judgment entered in State ex rel. Heitkamp v. Philip Morris, incorporated (East Central District Court, December 28, 1998)"

Page 1, remove line 10

Page 1, line 11, remove "entities"

Page 1, line 16, after "programs" insert "and shall provide funds for enforcement of the judgment"

Page 1, after line 18, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2252: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2252 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2267: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2267 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "any" with "sixty percent of the"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2269: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2269 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2273: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2273 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to amend and reenact subsection 3 of section 10-30.5-02 of the North Dakota Century Code, relating to the use of funds in the North Dakota development fund;"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 10-30.5-02 of the North Dakota Century Code is amended and reenacted as follows:

3. Moneys in the development fund may be used to provide working capital or for financing the purchase of fixed assets, but not to refinance existing debt. Moneys may also be used to assist communities in providing essential community services and to make matching grants to county-authorized or city-authorized development corporations for the acquisition, leasing, or remodeling of real estate facilities for locating a prospective new primary sector business. A grant must be made as part of a package of financing in which the state is a participant."

Page 1, underscore lines 7 and 8

Page 1, line 9, underscore "pursuant to section 54-40.1-02 may be used to make matching grants to" and insert immediately thereafter "newly established" and underscore "county authorized or"

Page 1, underscore lines 10 through 13

Page 1, line 14, underscore "made and must be distributed to the corporation in three equal annual payments." and insert immediately thereafter "A development corporation is eligible to receive only one grant under this section."

Page 1, line 15, after "**FUNDS**" insert "**- REPORT TO BUDGET SECTION**"

Page 1, line 23, after the period insert "Each regional planning council shall submit to the budget section a biennial report regarding the use of the funds transferred under this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2274: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2274 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2275: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2275 was placed on the Sixth order on the calendar for immediate second reading.

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 43-25-04 of the North Dakota Century Code, relating to the practice of massage; to amend and reenact subsection 3 of section 43-25-04 of the North Dakota Century Code, relating to physical therapist assistants; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 43-25-04 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. Registered physical therapists and physical therapist assistants under the laws of this state.

SECTION 2. A new subsection to section 43-25-04 of the North Dakota Century Code is created and enacted as follows:

Any student of a school of massage who is practicing massage in the course of fulfilling a required massage therapy practicum or in the course of participating in a school-supervised student massage clinic.

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

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2281: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2281 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2329: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2329 was placed on the Sixth order on the calendar for immediate second reading.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 4-14.1-03, 4-14.1-04, subsection 6 of section 10-30-04, subsection 4 of section 10-30.5-02, sections 10-30.5-03, 10-30.5-05, subsection 6 of section 10-30.6-04, sections 21-11-02, 21-11-03, 21-11-04, 21-11-05, 21-11-06, 25-04-20, subsection 4 of section 26.1-50-01, section 26.1-50-02, subsection 2 of section 28-32-01, sections 40-57.1-04, 49-10.1-17, subsection 4 of section 50-06-01.8, section 52-01-03, subsection 5 of section 52-02.1-01, section 52-02.1-02, subsection 2 of section 52-02.1-03, section 52-02.1-04, subdivision r of subsection 1 of section 54-06-04, sections 54-34-06.1, 54-34-12, 54-34-15, 54-34.3-01, 54-34.3-02, 54-34.3-04, 54-34.3-06, 54-34.3-08, 54-34.3-09, 54-34.3-10, 54-53-02, 55-06-01, and subsection 1 of section 57-38.5-01 of the North Dakota Century Code, relating to the transfer of functions of the department of economic development and finance to the Bank of North Dakota; to repeal sections 54-34.3-03 and 54-34.3-05 of the North Dakota Century Code, relating to the department of economic development and finance; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4-14.1-03 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-14.1-03. Agricultural products utilization commission - Composition - Appointment. The agricultural fuel tax fund must be administered by the agricultural

products utilization commission. The commission consists of nine members, five of whom must be appointed by the governor for terms of two years each, arranged so that two terms expire in odd-numbered years and three terms expire in even-numbered years. Three members appointed by the governor must be actively engaged in farming in this state and two members appointed by the governor must be actively engaged in business in this state. The commissioner of agriculture shall appoint one member for a term of two years which expires in odd-numbered years. The member appointed by the commissioner must be actively engaged in farming in this state. Commission members may be reappointed to the commission. Terms of commissioners shall run from the first day of July. The director of the ~~department~~ division of economic development and finance, the president of North Dakota state university, and the commissioner of agriculture, or their designees, are members of the commission. The commission shall elect one of its members as chairman.

SECTION 2. AMENDMENT. Section 4-14.1-04 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-14.1-04. Agricultural products utilization commission - Meetings - Personnel - Reports. The agricultural products utilization commission, which is a division of the ~~department~~ Bank of economic development and finance North Dakota, shall meet as necessary and shall report to each session of the legislative assembly. The commission may secure office space, employ needed personnel for the performance of its duties, hire consultants, spend any funds appropriated to the commission, and contract with public entities or private parties for services.

SECTION 3. AMENDMENT. Subsection 6 of section 10-30-04 of the North Dakota Century Code is amended and reenacted as follows:

6. Cooperate with and avail itself of the facilities of the ~~department~~ Bank of economic development and finance North Dakota and any other similar governmental agencies; to cooperate with and assist, and otherwise encourage, local organizations in the various communities of the state the purpose of which are the promotion, assistance, and development of the business prosperity and economic welfare of ~~such~~ the communities and of this state.

SECTION 4. AMENDMENT. Subsection 4 of section 10-30.5-02 of the North Dakota Century Code is amended and reenacted as follows:

4. The director of the ~~department~~ division of economic development and finance shall adopt rules, subject to the approval of the board of directors, necessary to implement the administration of the fund. The rules to implement the grant program must be developed to encourage local fundraising initiatives for developing locations for businesses financed by the corporation.

SECTION 5. AMENDMENT. Section 10-30.5-03 of the North Dakota Century Code is amended and reenacted as follows:

10-30.5-03. Organization. A board of directors shall manage the corporation. The board of directors shall adopt and amend articles of incorporation and bylaws consistent with the purposes detailed in this chapter. The board of directors consists of eight members who shall serve three-year terms. The terms must be staggered so that no more than three positions require reappointment in any one year. The governor shall appoint the members and shall only consider representatives who serve in executive capacities from the following areas in making the selections: private sector manufacturing, finance, exported services, including tourism, and industrial technology and research. There must be at least one member who is enrolled in a federally recognized North Dakota Indian tribe who need not serve in an executive capacity, the director of ~~the~~ the division of economic development and finance, and one member from a rural area, on the board of directors. Members may be reappointed for additional terms.

SECTION 6. AMENDMENT. Section 10-30.5-05 of the North Dakota Century Code is amended and reenacted as follows:

10-30.5-05. Management. The ~~deputy~~ director of the ~~finance~~ division of the ~~department~~ economic development and finance shall serve as the chief executive officer of the corporation. The board of directors shall determine minimum qualifications of all other staff positions.

All investments, contracts, partnerships, limited liability companies, and business transactions of the corporation are the responsibility of the ~~deputy director~~ chief executive officer and the board of directors. The board may provide that normal operating costs anticipated in an approved budget may be incurred and paid without prior board approval.

SECTION 7. AMENDMENT. Subsection 6 of section 10-30.6-04 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. Cooperate with and avail itself of the facilities of the ~~department~~ division of economic development and finance and any other similar governmental agencies; and cooperate with, assist, and otherwise encourage local organizations in the various communities of the state, the purpose of which ~~are~~ is the promotion, assistance, and development of the business prosperity and economic welfare of the communities and of this state.

SECTION 8. AMENDMENT. Section 21-11-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

21-11-02. Application for loan - Form - Contents - Preference of applications. Any privately or cooperatively owned enterprise for the purpose of securing a loan from this state for purposes of planning, constructing, acquiring, equipping, improving, or extending facilities for the conversion of North Dakota's natural resources into low cost power and the generation and transmission of such power, and the acquisition of real and personal property and water and mineral rights needed for such facilities, or any of such purposes, may file an application with the ~~department~~ Bank of economic development and finance North Dakota. The application must be in the form required by the ~~department~~ Bank and must be accompanied by a complete and fully detailed outline and description of the applicant's plan of operation. In the consideration of applications the department shall consider the following factors:

1. Preference must be given to applicants with the following qualifications:
 - a. Applicants who are experienced in the generation or transmission of power, and who at the time of application have access to alternate markets for the sale of such power.
 - b. Applicants who are residents of North Dakota, or private or cooperative enterprises incorporated under the laws of North Dakota and having their headquarters in the state, whether or not a nonresident person, corporation, or limited liability company owns part or all of the stock of the applicant or limited liability companies organized under the laws of North Dakota and having their headquarters in the state, whether or not a nonresident person, limited liability company, or corporation owns part or all of the membership interests of the applicant, or is engaged in a partnership or joint enterprise with the applicant.
2. ~~The provisions of subsection~~ Subsection 1 ~~do~~ does not prohibit the ~~department~~ Bank from approving loans to applicants not possessing the qualifications therein described, if in the judgment of the ~~department~~ such Bank approval would better carry out the objectives of this chapter as stated in section 21-11-01.
3. Each application ~~shall~~ must include information for the purpose of showing to the ~~department~~ Bank and may be approved only if the ~~department~~ Bank determines:
 - a. That the facilities proposed to be financed by the loan will result in significant additional industrial or other economic activity in North Dakota which would not occur in the absence of a state loan.
 - b. That the cost of power furnished by the facilities financed by the loan will be significantly lower than it would be without a loan made under this chapter.
 - c. That the facilities financed will furnish power at the lowest possible cost to stimulate industrial development, benefit the general public, and expand the use of North Dakota fuel resources.

4. In considering applications the ~~department~~ Bank may establish additional reasonable criteria with respect to the financial qualification of individuals and organizations requesting loans.

SECTION 9. AMENDMENT. Section 21-11-03 of the North Dakota Century Code is amended and reenacted as follows:

21-11-03. Processing of application - Fee - Purpose. The ~~department~~ Bank of ~~economic development and finance~~ North Dakota shall process each application and if it determines the applicant is eligible for the loan and has complied with all requirements, it shall request an application fee of not more than fifty thousand dollars. The fee must be deposited in a special and separate fund in the state treasury and must be expended by the ~~department~~ Bank for purposes of investigating the applicant and evaluating the technical and economic feasibility of the plans and specifications as submitted by the applicant. The ~~department~~ Bank may consult or contract with any person or private, state, or federal department, agency, or entity, for purposes of that investigation or evaluation. All departments, agencies, institutions, and officials of this state and its political subdivisions shall provide to the ~~department~~ Bank such aid, information, and assistance as it may request in regard to any matter relative to the applicant or ~~such~~ the applicant's plans and specifications. The ~~department~~ Bank may conduct any private or public hearing it may deem necessary in the course of that investigation or evaluation. Any unexpended portion of the funds received as an application fee must be refunded to the applicant after the payment of all costs of investigation and evaluation of the application. There is hereby appropriated from each application fee these funds as may be necessary to pay all costs of investigation and evaluation and pay refunds as provided in this section.

SECTION 10. AMENDMENT. Section 21-11-04 of the North Dakota Century Code is amended and reenacted as follows:

21-11-04. Approval or rejection of application. Upon completion of all investigations and evaluations of any matter relative to the applicant or the submitted application and plan, the ~~department~~ Bank of ~~economic development and finance~~ North Dakota shall either reject the application as submitted, approve the application as submitted, or offer to approve the application if modified in accordance with any recommendation made by the ~~commission~~ Bank as a result of ~~any~~ ~~such~~ the investigation or evaluation. If the applicant fails or refuses to agree to those modifications, the application must be rejected.

SECTION 11. AMENDMENT. Section 21-11-05 of the North Dakota Century Code is amended and reenacted as follows:

21-11-05. Approved application filed with industrial commission. Upon approval of the application, ~~as submitted or modified~~, the ~~department~~ Bank of ~~economic development and finance~~ North Dakota shall file the application, along with its report and recommendations, received by it as a result of any investigation and evaluation, with the state industrial commission. The ~~department of economic development and finance~~ Bank shall prepare and submit any necessary legislation for the appropriation of additional funds or the authorization of the issuance of bonds at the following session of the legislative assembly, or at a special session ~~if called in accordance with the constitution~~.

SECTION 12. AMENDMENT. Section 21-11-06 of the North Dakota Century Code is amended and reenacted as follows:

21-11-06. Disbursements of loan - Inspection fee. If the industrial commission finds that the approved loan application has been filed and processed as required by this chapter and the proposed loan agreement is in proper legal form and the amount to be disbursed ~~thereunder~~, with other previous disbursements, does not exceed the funds appropriated for that purpose, it shall authorize the execution of the loan agreement with the applicant by the ~~director~~ president of the ~~department~~ Bank of ~~economic development and finance~~ North Dakota on behalf of the state. ~~Prior to the~~ Before disbursement of any funds pursuant to the loan agreement, the applicant shall ~~deliver to the director~~ deliver to the ~~Bank~~ a supervision fee in ~~such~~ the amount ~~as may be~~ specified in the loan agreement, which fee must be deposited in a special fund in the state treasury. The fee must be expended by the ~~department of economic development and finance~~ Bank for the purpose of periodic inspection of the construction of ~~such~~ the power generation or transmission facilities, and disbursements to the borrower under the loan agreement may be made only upon certification by the ~~director or a person appointed by the director~~ Bank that the construction is being carried on in accordance with the

loan agreement and that the loan funds are due the borrower under the agreement. Upon the completion of the construction of the facilities, any unexpended balance of the inspection fee must be refunded to the borrower. There is hereby appropriated from each inspection fee those funds as may be necessary to provide for the inspections and refunds as provided in this section.

SECTION 13. AMENDMENT. Section 25-04-20 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

25-04-20. Westwood park assets management committee. The westwood park assets management committee consists of eleven members appointed by the governor as follows: three members of the senate, two from the majority faction and one from the minority faction, and three members of the house of representatives, two from the majority faction and one from the minority faction; a representative of the department of human services; a representative of the ~~department~~ division of economic development and finance; a representative of the attorney general's office; the mayor of Grafton; and the governor or the governor's designee. The governor shall appoint a chairman. Any state agency may serve in an advisory capacity to the westwood park assets management committee at the discretion of the committee. The committee shall meet at such times as the committee or its chairman may direct. The legislative members of the committee are entitled to receive the same compensation per day as established for members of the legislative assembly for attendance at interim committee meetings and the necessary mileage and travel expenses provided in sections 44-08-04 and 54-06-09 while attending committee meetings or in the performance of such special duties as the committee may direct. The compensation provided for in this section may not be paid to any member of the committee who received salary or other compensation as a regular employee of the state, or any of its political subdivisions, or any institution or industry operated by the state. The westwood park assets management committee shall act when the legislative assembly is not in session to sell the property of westwood park, subject to prior budget section approval. The department of human services shall provide staff services for the westwood park assets committee. Any conveyance made by the committee under this section is exempt from sections 54-01-05.2 and 54-01-05.5.

SECTION 14. AMENDMENT. Subsection 4 of section 26.1-50-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. "Primary sector business" means an individual, corporation, limited liability company, partnership, or association that through the employment of knowledge or labor adds value to a product, process, or service which results in the creation of new wealth. Qualification as a primary sector business under this subsection must be determined by the ~~department~~ division of economic development and finance.

SECTION 15. AMENDMENT. Section 26.1-50-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

26.1-50-02. Establishment - Organization. Any insurer or group of insurers may establish a corporation or limited liability company to own and operate the North Dakota low-risk incentive fund. Except as provided in this chapter, all authority regarding the articles of incorporation or articles of organization is the province of the governing board, which must include a representative of the Bank of North Dakota ~~and the director of the department of economic development and finance~~. The Bank of North Dakota shall administer the fund; however, the governing board is responsible for adopting fund policies and procedures. The governing board may not distribute more than seventy-five percent of the net profit of the fund in any of the first five years of operation.

SECTION 16. AMENDMENT. Subsection 2 of section 28-32-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. "Administrative agency" or "agency" means each board, bureau, commission, department, or other administrative unit of the executive branch of state government, including one or more officers, or employees, or other persons directly or indirectly purporting to act on behalf or under authority of the agency. An administrative unit located within or subordinate to an administrative agency shall be treated as part of that agency to the extent it purports to exercise authority subject to this chapter. The term administrative agency does not include:

- a. The office of management and budget except with respect to rules relating to conduct on the capitol grounds and in buildings located on the capitol grounds under section 54-21-18, rules relating to the state building code as authorized or required under section 54-21.3-03, rules relating to the Model Energy Code as required under section 54-21.2-03, rules relating to the central personnel system as authorized under section 54-44.3-07, rules relating to state purchasing practices as required under section 54-44.4-04, rules relating to records management as authorized or required under chapter 54-46, and rules relating to the central microfilm unit as authorized under chapter 54-46.1.
- b. The adjutant general with respect to the division of emergency management.
- c. The council on the arts.
- d. The state auditor.
- e. The ~~department~~ division of economic development and finance.
- f. The dairy promotion commission.
- g. The education factfinding commission.
- h. The educational telecommunications council.
- i. The board of equalization.
- j. The board of higher education.
- k. The Indian affairs commission.
- l. The industrial commission with respect to the activities of the Bank of North Dakota, the North Dakota housing finance agency, the North Dakota municipal bond bank, the North Dakota mill and elevator association, and the North Dakota farm finance agency.
- m. The department of corrections and rehabilitation except with respect to the activities of the division of adult services under chapter 54-23.4.
- n. The pardon advisory board.
- o. The parks and recreation department.
- p. The parole board.
- q. The state fair association.
- r. The state department of health with respect to the state toxicologist.
- s. The board of university and school lands except with respect to activities under chapter 47-30.1.
- t. The administrative committee on veterans' affairs except with respect to rules relating to the supervision and government of the veterans' home and the implementation of programs or services provided by the veterans' home.
- u. The industrial commission with respect to the lignite research fund except as required under section 57-61-01.5.
- v. The secretary of state with respect to rules adopted for the presidential preference contest under section 16.1-11-02.2.

SECTION 17. AMENDMENT. Section 40-57.1-04 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-57.1-04. Exemption from income tax - Notice to competitors - Limitations. Upon application by a project operator to the state board of equalization,

the net income of a project may be exempt from state income tax for a period not exceeding five years from commencement of project operations. The application for the exemption must be reviewed as to the eligibility of the project by the ~~department~~ division of economic development and finance and its recommendations forwarded to the state board of equalization. The project operator shall provide notice to competitors in the manner prescribed by the state board of equalization. The board shall determine whether the granting of the exemption is in the best interest of the people of North Dakota and, if it so determines, approve the exemption. The board shall, after making its determination, certify the findings back to the applicant and to the tax commissioner. Nothing contained herein ~~shall have the effect of exempting~~ exempts the project from filing an annual income tax return.

SECTION 18. AMENDMENT. Section 49-10.1-17 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

49-10.1-17. Agreements to restore Amtrak service. The governor or the director of the department of transportation may make agreements in accordance with applicable federal law with the state of Montana and relevant federal agencies for the renewal of service on the Amtrak north coast Hiawatha route from Fargo to Spokane, Washington. The governor, or the director of the department of transportation, or the director of the ~~department~~ division of economic development and finance may enter agreements with any political subdivision, state, and federal agency for the restoration of daily service on the Amtrak Empire Builder route.

SECTION 19. AMENDMENT. Subsection 4 of section 50-06-01.8 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. The ~~department~~ division of economic development and finance, job service North Dakota, county social service boards, and any other state agency determined appropriate, shall cooperate with the department to ensure the success of the program. Local government agencies are encouraged to cooperate with the department.

SECTION 20. AMENDMENT. Section 52-01-03 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

52-01-03. Disclosure of information. Except as otherwise provided in this section, information obtained from any employing unit or individual pursuant to the administration of the North Dakota Unemployment Compensation Law and determinations as to the benefit rights of any individual must be held confidential and may not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or claimant's legal representative must be supplied with information from the records of the job insurance division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding under the North Dakota Unemployment Compensation Law with respect to the claim. Subject to restrictions as the bureau by rule may prescribe, the information may be made available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of a system of public employment offices, or the bureau of internal revenue of the United States department of the treasury, and information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service. Upon a request, the bureau shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and the recipient's rights to further benefits under the North Dakota Unemployment Compensation Law. The bureau may request the comptroller of the currency of the United States to cause an examination of the correctness of any return or report of any national banking association, rendered pursuant to the North Dakota Unemployment Compensation Law, and in connection with the request, may transmit any report or return to the comptroller of the currency of the United States as provided in subsection c of section 3305 of the federal Internal Revenue Code. The bureau shall request and exchange information for purposes of income and eligibility verification to meet the requirements of section 1137 of the Social Security Act.

The bureau may provide the workers compensation bureau, the state commissioner of labor, the ~~department~~ division of economic development and finance, the state tax commissioner, and the North Dakota occupational information coordinating committee with information obtained pursuant to the administration of the North Dakota

Unemployment Compensation Law. Any information so provided may be used only for the purpose of administering the duties of the workers compensation bureau, the state commissioner of labor, the ~~state department~~ division of economic development and finance, the state tax commissioner, and the North Dakota occupational information coordinating committee. The bureau may provide any state agency or a private entity with the names and addresses of employing units for the purpose of jointly publishing or distributing publications or other information as provided in section 54-06-04.3. Any information so provided may only be used for the purpose of jointly publishing or distributing publications or other information as provided in section 54-06-04.3.

Whenever the bureau obtains information on the activities of a contractor doing business in this state of which officials of the secretary of state, workers compensation bureau, or the tax commissioner may be unaware and that may be relevant to duties of those officials, the bureau shall provide any relevant information to those officials for the purpose of administering their duties.

The bureau shall request and exchange information as required of the bureau under federal law with any specified governmental agencies. Any information so provided may be used only for the purpose of administering the duties of such governmental agencies.

SECTION 21. AMENDMENT. Subsection 5 of section 52-02.1-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. "~~Department~~ Division" means the ~~department~~ division of economic development and finance.

SECTION 22. AMENDMENT. Section 52-02.1-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

52-02.1-02. Job service North Dakota - Agreements. Program services developed and coordinated by job service North Dakota must be provided to primary sector businesses found eligible for loans or grants under this chapter. Job service North Dakota may enter into an agreement to establish a project with an employer which meets the following conditions:

1. Sets a date of commencement of the project.
2. Identifies program costs, including deferred costs, which are to be paid from available sources including new jobs credit from withholding to be received or derived from new jobs resulting from the project.
3. Provides for a guarantee by the employer of payment for program costs.
4. Provides that any deferral of program cost payments may not exceed ten years from the date of commencement of the project.
5. Provides that on-the-job training costs for employees may not exceed fifty percent of the annual gross payroll costs of the new jobs in the first full year after the date of commencement of the project. For purposes of this subsection, "gross payroll" is the gross wages and salaries for the new jobs.
6. Provides the maximum amount of new jobs credit from withholding or tuition and fee payments allowed for a project.
7. Provides that every employee participating in the new jobs training program must be paid an income of at least seven dollars and fifty cents per hour, plus benefits, by the end of the first year of employment under the project and for the remaining life of the loan.

A project requiring a loan from the ~~department~~ division or a community may not be approved, and an agreement may not be executed by job service North Dakota, until notification from the ~~department~~ division or community that the employer has qualified for a loan. Upon execution of the agreement, job service North Dakota shall notify the state tax commissioner of the agreement and the identity of the employer. Job service North Dakota may adopt rules to implement this chapter. Job service North Dakota shall prepare an annual report for the governor and the legislative assembly with respect to the new jobs training program.

SECTION 23. AMENDMENT. Subsection 2 of section 52-02.1-03 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. The North Dakota income tax withholding on wages paid by the employer to each new employee participating in a project must be credited from the withholding payments made by the employer pursuant to section 57-38-60. The tax commissioner shall transmit the equivalent credit payment amount to the state treasurer to be allocated to a special fund for payment to the ~~department~~ division, community, or both, as the case may be, of principal and interest on loans issued pursuant to section 52-02.1-04. All moneys deposited in the fund are hereby appropriated for the purposes of this section. When the principal and interest on the loans have been repaid, the employer credits must cease and any money received after the loans have been repaid must be remitted by the tax commissioner to the general fund of the state.

SECTION 24. AMENDMENT. Section 52-02.1-04 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

52-02.1-04. Fund - Administration. Funding for programs must be through loans or grants as stated under this section. Loans may be made by the ~~department~~ division from the North Dakota ~~future development~~ future development fund, a community, or the ~~department~~ division and a community cooperatively. A community may provide loans directly or through any financial institution currently qualified to participate in a loan with the Bank of North Dakota. The Bank of North Dakota may participate in loans under such credit standards and lending policies it determines are necessary and applicable. A community may alternatively fund a program through a grant without use of new jobs credit from withholding.

1. Loans must be secured and payable from a sufficient portion of the future receipts of payments authorized by the agreement, with such other security as the lender may determine is justified. The state treasurer shall transfer the moneys from the special fund created in section 52-02.1-03 to a special fund set up for this purpose by the ~~department~~ division or community. The receipts must be pledged to the payment of principal of and interest on the loan.
2. The ~~department~~ division may adopt rules to implement this chapter.

SECTION 25. AMENDMENT. Subdivision r of subsection 1 of section 54-06-04 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- r. ~~Department~~ Division of economic development and finance.

SECTION 26. AMENDMENT. Section 54-34-06.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34-06.1. Certain architects and engineers to be provided product listing of in-state manufacturers.

1. Each year the director of the ~~department~~ division of economic development and finance immediately shall send a product listing of manufacturers located in this state to the registered architects or engineers, describing those manufacturers and their products in the following major industrial groups:
 - a. Lumber and wood products, except furniture;
 - b. Rubber and miscellaneous plastic products;
 - c. Stone, clay, glass, and concrete products;
 - d. Fabricated metal products, machinery, and transportation equipment; and
 - e. Any other major industrial groups that the director determines include manufactured products that may be used in the project.

2. An architect or engineer who receives a product listing under subsection 1, if possible, shall design the project with specifications that are met by listed products manufactured in this state.

SECTION 27. AMENDMENT. Section 54-34-12 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34-12. ~~Department Division of economic development and finance to establish venture capital network - Duties and functions~~ **Functions.** The ~~department~~ division of economic development and finance may establish, from funds appropriated to or otherwise available to the ~~department~~ division, the venture capital network as a clearinghouse for information on informal risk capital investment opportunities in the state. The ~~department~~ division may:

1. Enter into service contracts on a competitive bid basis with public and private agencies, institutions, organizations, and individuals for the purpose of establishing and operating the venture capital network.
2. Receive and approve contract proposals for the purpose of establishing the venture capital network.
3. Solicit the support and contributions of public and private agencies, organizations, institutions, and individuals.
4. Accept and administer contributions for the purpose of operating the venture capital network.
5. Advertise and promote the venture capital network.

SECTION 28. AMENDMENT. Section 54-34-15 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34-15. Private sponsor. The ~~department~~ division of economic development and finance may endeavor to locate a private sector sponsor or group of sponsors to assume administration of the venture capital network.

SECTION 29. AMENDMENT. Section 54-34.3-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-01. ~~Department Division of economic development and finance established - Mission.~~ **Mission.** The ~~North Dakota department~~ division of economic development and finance is established ~~to assume the functions, powers, and duties of the economic development commission with respect to programs and other efforts intended within the Bank of North Dakota to enhance the economic development of the state.~~ The mission of the ~~department~~ division is to develop strategies and programs to:

1. Facilitate the growth, diversification, and expansion of existing enterprises and the attraction and creation of new wealth-generating enterprises in the state;
2. Promote economic diversification and innovation within the basic industries and economic sectors of this state, including strategies and programs designed to specialize and focus the state's economy on advanced agriculture and food processing, energy byproduct development, export services and tourism, and advanced manufacturing;
3. Promote increased productivity and value added products, processes, and services in the state, and the export of those goods and services by North Dakota enterprises to the nation and to the world;
4. Maintain and revitalize economically depressed rural areas by working in close collaboration with local communities and by encouraging communities to enter into cooperative relationships for more efficient and effective education, health care, government service, and infrastructure maintenance;
5. Forge a supportive partnership with the ~~Bank of North Dakota, the board of higher education and the state's institutions of higher education, regional planning councils, local development organizations and authorities, the Myron G. Nelson Fund, Incorporated,~~ the state's nonprofit development

corporations, and other appropriate private and public sector organizations in achieving the economic goals of the state; and

6. Identify those statutes, administrative rules, and policies that impede the attraction, creation, and expansion of businesses and job creation in this state.

SECTION 30. AMENDMENT. Section 54-34.3-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-02. Definitions. As used in ~~sections 54-34.3-01 through 54-34.3-08~~ this chapter:

1. "~~Department~~ Division" means the ~~department~~ division of economic development and finance.
2. "Director" means the director of the ~~department~~ division.

SECTION 31. AMENDMENT. Section 54-34.3-04 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-04. ~~Department~~ Division director - Appointment - Compensation - Duties. A director shall supervise and control the ~~department~~ division. The ~~governor~~ industrial commission shall appoint as director a person who is qualified by training, knowledge, and experience that is necessary to ensure a high degree of professional competency in carrying out the duties of the director as enumerated in this section. The director shall serve at the will of the ~~governor~~ industrial commission and shall receive a salary set by the ~~governor~~ industrial commission within the limits of legislative appropriations. The director shall:

1. Manage the internal operations of the ~~department~~ division and establish policies that promote the orderly and efficient administration of the ~~department~~ division;
2. Appoint personnel as may be determined necessary to carry out ~~sections 54-34.3-01 through 54-34.3-08~~ the duties of the division and fix their compensation within the limits of legislative appropriations;
3. Assume central responsibility to develop, implement, and coordinate within state government a comprehensive program of economic development consistent with the mission of the ~~department~~ division;
4. Coordinate that program of economic development with all other appropriate state and local government departments, agencies, institutions, and organizations that perform research, develop and administer programs, gather statistics, or perform other functions relating to economic development, and those government entities shall advise, cooperate, and provide reasonable assistance to the director in carrying out ~~sections 54-34.3-01 through 54-34.3-08~~ this chapter;
5. Advise, and cooperate with, departments and agencies of the federal government and of other states, private business and agricultural organizations and associations, research institutions, and any individual or other private or public entity, and call upon those entities or individuals for consultation and assistance in their respective fields of endeavor or interest in order that the ~~department~~ division and the state may benefit from up-to-date technical advice, information, and assistance;
6. Cooperate with individuals and both public and private entities, including the state's congressional delegation, in identifying and pursuing potential sources of funding and to receive those funds to be expended for purposes consistent with ~~sections 54-34.3-01 through 54-34.3-08~~ this chapter;
7. Have authority to enter into contracts upon terms and conditions as determined by the director to be reasonable and to effectuate the purposes of ~~sections 54-34.3-01 through 54-34.3-08~~ this chapter;
8. Report at least annually to an interim committee designated by the legislative council on loan performance and performance of the ~~department of economic development and finance, including evaluations of the division~~

of finance, the division of marketing and technical assistance, and the division of science and technology. A report must include a comparison of dollars spent to the jobs created of all programs administered or supervised by the director and a review of the timeliness of the loan processing practices including a log of activities from application to final determination; and

9. Have authority to do any and all other things necessary and proper to carry out ~~sections 54-34.3-01 through 54-34.3-08~~ this chapter.

SECTION 32. AMENDMENT. Section 54-34.3-06 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-06. Divisions Programs. The director shall organize and establish ~~other divisions as~~ programs necessary to carry out most efficiently and effectively the mission and duties of the ~~department~~ division, except that the ~~department~~ division must contain:

1. An office of North Dakota American Indian business development to assist North Dakota tribal and individual economic development representatives and North Dakota American Indian entrepreneurs with access to state and federal programs designed to assist them.
2. An office of North Dakota women's business development to develop and administer the North Dakota women's business program, to establish and fund the women's business leadership council, certify women-owned businesses for federal or state contracting and to recruit, train, and assist women entrepreneurs to develop and diversify their businesses. The office must have an administrator and staff sufficient to implement its programs.

SECTION 33. AMENDMENT. Section 54-34.3-08 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-08. Patents. The ~~department~~ division of economic development and finance, the North Dakota development fund, incorporated, and the North Dakota agricultural products utilization commission may hold or assign for remuneration all or a portion of their interest in patents or royalty rights acquired in the course of their operation and performance of duties as provided by law.

SECTION 34. AMENDMENT. Section 54-34.3-09 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-09. Cooperation with other agencies or private entities to jointly publish or mail publications. The ~~department~~ division of economic development and finance may cooperate with other state agencies or with a private entity for the purpose of jointly publishing or distributing information or publications as provided in section 54-06-04.3.

SECTION 35. AMENDMENT. Section 54-34.3-10 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-10. Commission on the status of women - Appointment - Expenses - Duties. There is established a commission on the status of women. The commission consists of five members. The governor shall appoint each member for a term of four years, staggered so that the term of at least one member expires July first of each year. A vacancy occurring other than by reason of the expiration of a term must be filled in the same manner as original appointments, except that the appointment may be made for only the remainder of the unexpired term. The members are entitled to be paid for mileage and actual expenses incurred in attending meetings and in performance of their official duties in amounts provided by law for other state officers and employees. The commission shall coordinate activities and serve as a clearinghouse and an advisory group to the ~~department~~ division for information relating to economic development programs that focus on career development for women. The commission shall prepare for and perform followup duties in connection with state, regional, and national conferences, encourage interest, participation, and cooperation with state departments, agencies, and other organizations in developing needed services, facilities, and opportunities, and provide consultant help to local organizations created for the purpose of coordinating activities for the economic and career development of women.

SECTION 36. AMENDMENT. Section 54-53-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-53-02. Advisory transportation council - Composition. There is hereby established a transportation council which shall to serve in an advisory capacity to the upper great plains transportation institute. The director of the institute shall serve as the executive secretary of the council and it shall elect its own chairman. The council membership shall consist consists of one representative from and appointed by the following organizations:

1. The greater North Dakota association.
2. The public service commission.
3. The North Dakota farm bureau.
4. The North Dakota farmers union.
5. The livestock industry council.
6. The North Dakota wheat commission.
7. The ~~North Dakota department~~ division of economic development and finance.
8. The North Dakota farmers grain dealers association.
9. The North Dakota railway lines.
10. The North Dakota motor carriers association.
11. The North Dakota aeronautics commission.
12. A traffic counsel selected by the members of the council appointed by the above-named organizations.

Members of the council shall serve without pay, but they may receive reimbursement for actual and necessary expenses incurred in the performance of their duties, if authorized by the director.

The council shall consult with the institute in matters of policy affecting the administration of this chapter and in the development of transportation in the state of North Dakota. The council shall meet at the call of the executive director or upon the written request of three or more members of the council.

SECTION 37. AMENDMENT. Section 55-06-01 of the North Dakota Century Code is amended and reenacted as follows:

55-06-01. Yellowstone-Missouri-Fort Union commission. There is a Yellowstone-Missouri-Fort Union commission, hereinafter referred to as the "commission", declared to be a governmental agency with the authority to exercise the powers specified herein, or which may be reasonably implied, composed of the governor as chairman, the president of the senate, the speaker of the house, the superintendent of the state historical board, the director of the ~~department~~ division of economic development and finance, all ex officio, and five citizens of the state to be appointed by the governor who shall serve without compensation for the purpose of investigating, in cooperation with the state of Montana and the national park service, the historical importance and significance of the area and for formulating and executing plans for the preservation of the historic sites illustrative of the history of the United States. The commission may expend its operating expenses and other funds provided by legislative appropriations, and public and private grants, for programs, improvements, and facilities to preserve and improve the Yellowstone-Missouri confluence area.

SECTION 38. AMENDMENT. Subsection 1 of section 57-38.5-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. "Director" means the director of the ~~department~~ division of economic development and finance.

SECTION 39. REPEAL. Sections 54-34.3-03 and 54-34.3-05 of the 1997 Supplement to the North Dakota Century Code are repealed.

SECTION 40. APPROPRIATION - TRANSFER. As of the effective date of this Act, the department of economic development and finance becomes a division of the Bank of North Dakota and any funds appropriated to the department by the fifty-fifth legislative assembly and the fifty-sixth legislative assembly are transferred to the Bank of North Dakota for economic development activities."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2345: 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 2345 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "an individual medically qualified to draw blood, including" and overstrike "a physician,"

Page 1, line 11, overstrike "qualified technician, chemist, or registered nurse" and insert immediately thereafter "an individual medically qualified to draw blood"

Page 1, line 12, after "officer" insert an underscored comma

Page 1, line 13, after the period insert "The state toxicologist shall determine the qualifications or credentials for being medically qualified to draw blood, and shall issue a list of approved designations including medical doctor and registered nurse."

Page 1, line 14, remove "an individual medically qualified"

Page 1, line 15, remove "to draw blood, including", overstrike "a physician,", overstrike "qualified technician, chemist,", remove "or", and overstrike "registered nurse, or"

Page 1, line 16, overstrike "other qualified person" and insert immediately thereafter "an individual" and after "choosing" insert ", who is medically qualified to draw blood,"

Page 2, line 16, remove "an individual medically qualified to draw blood, including" and overstrike "a physician,"

Page 2, line 17, overstrike "qualified technician, chemist, or registered nurse" and insert immediately thereafter "an individual medically qualified to draw blood"

Page 2, line 18, after "officer" insert an underscored comma

Page 2, line 19, after the period insert "The state toxicologist shall determine the qualifications or credentials for being medically qualified to draw blood, and shall issue a list of approved designations including medical doctor and registered nurse."

Page 2, line 20, remove "an individual medically qualified"

Page 2, line 21, remove "to draw blood, including", overstrike "a physician,", overstrike "qualified technician, chemist,", remove "or", and overstrike "registered nurse, or"

Page 2, line 22, overstrike "other qualified person" and insert immediately thereafter "an individual" and after "choosing" insert ", who is medically qualified to draw blood,"

Page 3, line 16, remove "an individual medically qualified to draw blood, including", overstrike "a physician,", and overstrike "qualified"

Page 3, line 17, overstrike "technician, chemist, or registered nurse" and insert immediately thereafter "an individual medically qualified to draw blood" and after "officer" insert an underscored comma

Page 3, line 19, after the first period insert "The state toxicologist shall determine the qualifications or credentials for being medically qualified to draw blood, and shall issue a list of approved designations including medical doctor and registered nurse."

Page 3, line 20, remove "an individual medically qualified to draw blood, including" and overstrike "a physician,"

Page 3, line 21, overstrike "qualified technician, chemist,", remove "or", and overstrike "registered nurse, or other qualified person" and insert immediately thereafter "an individual"

Page 3, line 22, after "choosing" insert ", who is medically qualified to draw blood,"

Page 4, line 14, remove "an individual medically qualified to draw blood, including" and overstrike "a physician,"

Page 4, line 15, overstrike "qualified technician, chemist, or registered nurse" and insert immediately thereafter "an individual medically qualified to draw blood"

Page 4, line 16, after "officer" insert an underscored comma

Page 4, line 17, after the period insert "The state toxicologist shall determine the qualifications or credentials for being medically qualified to draw blood, and shall issue a list of approved designations including medical doctor and registered nurse."

Page 4, line 18, remove "an individual medically qualified to draw blood,"

Page 4, line 19, remove "including", overstrike "a physician,", overstrike "qualified technician, chemist,", remove "or", and overstrike "registered nurse, or other qualified"

Page 4, line 20, overstrike "person" and insert immediately thereafter "an individual" and after "choosing" insert ", who is medically qualified to draw blood,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2377: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2377 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2386: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2386 was placed on the Sixth order on the calendar.

Page 1, line 13, after the first comma insert "glass,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2395: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2395 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2397: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2397 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2398: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2398 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2402: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2402 was placed on the Sixth order on the calendar.

Page 1, line 17, remove "or at any time"

Page 1, line 18, remove "during employment"

Page 2, after line 2, insert:

- "4. Subsection 3 does not apply to a contract in which a physician or other health care provider is a party and in which the physician or other provider agrees to provide health care or related services under that contract."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2406: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2406 was placed on the Sixth order on the calendar.

Page 2, line 21, remove the overstrike over "~~that person may be~~"

Page 2, line 22, remove the overstrike over "~~charged with a violation of this section if that person fails to submit~~", after "~~such~~" insert "satisfactory", and remove the overstrike over "~~evidence~~" and insert immediately thereafter "of the policy"

Page 2, remove the overstrike over line 23

Page 2, line 24, remove "the law enforcement officer shall obtain the information from the department"

Page 2, line 26, remove the overstrike over "~~the officer, officer's agency, or~~"

Page 2, line 27, after the period insert "If the driver is not an owner of the motor vehicle, the driver does not violate this section if the driver provides the court with evidence identifying the owner of the motor vehicle and describing circumstances under which the owner caused or permitted the driver to drive the motor vehicle."

Page 3, replace lines 3 through 8 with:

- "2. Upon conviction for a violation of this section or equivalent ordinance, the person who has been convicted shall provide proof of motor vehicle liability insurance to the department in the form of a written or electronically transmitted certificate from an insurance carrier authorized to do business in this state. This proof must be provided for a period of three years and kept on file with the department. If the person fails to provide this information, the department shall suspend that person's driving privileges and may not issue or renew that person's operator's license unless that person provides proof of insurance.
3. A person who has been convicted for violation of this section or equivalent ordinance shall surrender that person's operator's license and purchase a duplicate operator's license with a notation requiring that person to keep proof of liability insurance on file with the department. The fee for this license is fifty dollars and the fee to remove this notation is fifty dollars.
4. When an insurance carrier has certified a motor vehicle liability policy, the insurance carrier shall notify the director no later than ten days after cancellation or termination of the certified insurance policy by filing a notice of cancellation or termination of the certified insurance policy; except that a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any motor vehicle designated in both certificates."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2415: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2415 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2425: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2425 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2430: Human Services Committee (Sen. Thane, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2430 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4002: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4002 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

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

REPORT OF STANDING COMMITTEE

SCR 4021: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4021 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Krauter, Bowman, Lyson and Reps. Froelich, Kempenich, Lundgren introduced:

SCR 4033: A concurrent resolution directing the Legislative Council to study outmigration of North Dakota residents.

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

Sens. Kroeplin, Klein, Tomac and Reps. Aarsvold, Brandenburg, Nicholas introduced:

SCR 4034: A concurrent resolution directing the Legislative Council to study the farm cooperative business structure to determine how it may be used to expand dairy and livestock production to enhance rural economic development.

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

Sens. Thompson, Robinson, Wanzek and Reps. D. Johnson, Nicholas introduced:

SCR 4035: A concurrent resolution directing the Legislative Council to study the substance and procedure of statutory agricultural liens.

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

FIRST READING OF HOUSE BILLS

HB 1085: A BILL for an Act to amend and reenact section 38-08.1-07 of the North Dakota Century Code, relating to penalties for violation of oil and gas laws, rules, and orders; and to provide a penalty.

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

HB 1200: A BILL for an Act relating to the unauthorized removal or possession of purple coneflowers, *Echinacea purpurea* or *Echinacea angustifolia*; to provide a penalty; and to declare an emergency.

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

HB 1223: A BILL for an Act to amend and reenact subsection 3 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis and preferential landowner licenses to hunt deer.

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

HB 1310: A BILL for an Act to amend and reenact sections 24-03-06, 24-03-08, and 24-06-26.1 of the North Dakota Century Code, relating to construction of highways to permit a natural flow of water.

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

HB 1406: A BILL for an Act to amend and reenact sections 11-18-05 and 11-18-11 of the North Dakota Century Code, relating to register of deeds fees and recording certificates.

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

HB 1446: A BILL for an Act to amend and reenact sections 11-11-17 and 24-06-14 of the North Dakota Century Code, relating to the appointment of district overseer of highways for unorganized territory.

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

HB 1459: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to waterfowl hunting by nonresidents.

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

The Senate stood adjourned pursuant to Senator St. Aubyn's motion.

WILLIAM C. PARKER, Secretary