

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, February 8, 1999

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

The prayer was offered by Pastor David Siberg, Pembina Hills Lutheran, Mountain.

The roll was called and all members were present.

A quorum was declared by the President.

MOTION

SEN. ST. AUBYN MOVED that after action taken on the Sixth order, SB 2006, SB 2020, SB 2021, SB 2022, SB 2024, SB 2180, SB 2250, and SB 2386 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2006: SEN. KRINGSTAD (Appropriations Committee) MOVED that the amendments on SJ pages 240-241 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. KRINGSTAD MOVED that Engrossed SB 2006 be amended as follows, which motion prevailed.

Page 2, line 5, replace "Total" with "total" and replace "21,650,721" with "21,524,192"

Page 2, after line 5, insert:

"Grand total special funds appropriation S.B. 2006	\$293,729
Grand total all funds appropriation S.B. 2006	\$21,817,921"

Re-number accordingly

REQUEST

SEN. T. MATHERN REQUESTED a ruling from the President regarding whether another floor amendment should be heard at the present time or after the reading of the title to SB 2006.

RULING BY THE PRESIDENT

PRESIDENT MYRDAL RULED that the title of the bill should be read and the bill explained before the amendment was heard.

SECOND READING OF SENATE BILL

SB 2006: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner and for payment of state reimbursement under the homestead tax credit; to amend and reenact section 57-01-04 and subsection 2 of section 57-01-13 of the North Dakota Century Code, relating to the salary of the state tax commissioner and the payment of fees for services rendered by a collection or credit agency; to provide a continuing appropriation for the payment of fees for services rendered by a collection or credit agency; and to provide a contingent expiration date.

MOTION

SEN. T. MATHERN MOVED that Reengrossed SB 2006 be amended as follows:

Page 1, line 18, replace "4,803,051" with "4,753,051"

Page 1, line 22, replace "17,277,108" with "17,227,108"

Page 1, line 24, replace "16,983,379" with "16,933,379"

Page 2, line 5, replace "Total" with "total" and replace "21,650,721" with "21,474,192"

Page 2, after line 5, insert:

"Grand total special funds appropriation S.B. 2006
Grand total all funds appropriation S.B. 2006

\$293,729
\$21,767,921"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 127 - TAX DEPARTMENT

SENATE - This amendment removes \$50,000 from the general fund included in the executive budget for a tax structure study.

REQUEST

SEN. THOMPSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed SB 2006, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Reengrossed SB 2006, the roll was called and there were 18 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

The proposed amendments to Reengrossed SB 2006 failed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2006 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2020: SEN. ANDRIST (Appropriations Committee) MOVED that the amendments on SJ pages 263-264 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2020 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2021: SEN. ANDRIST (Appropriations Committee) MOVED that the amendments on SJ pages 264-265 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. ANDRIST MOVED that Engrossed SB 2021 be amended as follows, which motion prevailed.

Page 3, after line 16, insert:

"SECTION 10. NOXIOUS WEED CONTROL. The parks and recreation department shall assess the extent of noxious weed infestation at state parks and implement a plan to control noxious weeds on state park lands for the biennium beginning July 1, 1999, and ending June 30, 2001."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 750 - PARKS AND RECREATION DEPARTMENT

SENATE - This amendment adds a section providing that the department assess noxious weed problems at state parks and begin to address problem areas during the 1999-2001 biennium.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and the International Peace Garden.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2021 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2022: SEN. LINDAAS (Appropriations Committee) MOVED that the amendments on SJ pages 265-266 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act to provide an appropriation for defraying the expenses of the tourism department.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2022 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2024: SEN. BOWMAN (Appropriations Committee) MOVED that the amendments on SJ pages 266-267 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. BOWMAN MOVED that Engrossed SB 2024 be amended as follows, which motion prevailed.

Page 1, line 9, replace "15,467,814" with "15,518,850"

Page 1, line 13, replace "24,183,616" with "24,234,652"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 485 - WORKERS COMPENSATION BUREAU

SENATE - This amendment adds \$51,036 of other funds to the salaries and wages line item for increased health insurance costs.

SECOND READING OF SENATE BILL

SB 2024: A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau and its divisions.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2024 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2159: SEN. COOK (Transportation Committee) MOVED that the amendments on SJ page 267 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2160: SEN. O'CONNELL (Transportation Committee) MOVED that the amendments on SJ page 267 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that SB 2162, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2166: SEN. DEMERS (Human Services Committee) MOVED that the amendments on SJ page 272 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2171: SEN. THANE (Human Services Committee) MOVED that the amendments on SJ pages 272-274 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2180: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ page 274 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. MUTCH MOVED that SB 2180, as amended, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2182: SEN. LEE (Human Services Committee) MOVED that the amendments on SJ page 274 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2207: SEN. D. MATHERN (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 274-275 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2250: SEN. SOLBERG (Appropriations Committee) MOVED that the amendments on SJ pages 275-276 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2250: A BILL for an Act to create and enact a new section to chapter 21-01 of the North Dakota Century Code, relating to the establishment of a health care programs trust fund; to provide an appropriation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 20 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Sand; St. Aubyn; Tallackson; Thompson; Tomac

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

Engrossed SB 2250 lost.

MOTION

SEN. G. NELSON MOVED that SCR 4012 and SCR 4013 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4012: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to the creation of a health care programs trust fund.

REQUEST

SEN. THOMPSON REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of **DO NOT PASS**, the roll was called and there were 19 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Tallackson; Thompson; Tomac

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

Engrossed SCR 4012 was declared lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4013: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to a health care trust fund for deposit and use of funds from settlements with tobacco product manufacturers.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Cook; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Stenehjem, B.; Tallackson; Thompson; Tomac

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

Engrossed SCR 4013 was declared lost.

CONSIDERATION OF AMENDMENTS

SB 2267: SEN. THOMPSON (Transportation Committee) MOVED that the amendments on SJ page 276 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2273: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 276 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2345: SEN. THOMPSON (Transportation Committee) MOVED that the amendments on SJ pages 290-291 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2386: SEN. SOLBERG (Appropriations Committee) MOVED that the amendments on SJ page 291 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2386: A BILL for an Act to create and enact two new sections to chapter 23-29 of the North Dakota Century Code, relating to a recycling incentive program; to repeal section 23-29-07.5 of the North Dakota Century Code, relating to grants and loans from the solid waste management fund; to provide a penalty; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 18 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Schobinger; Tallackson; Thane; Thompson; Tomac

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

ABSENT AND NOT VOTING: Naaden

Engrossed SB 2386 lost.

CONSIDERATION OF AMENDMENTS

SB 2402: SEN. THOMPSON (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 291-292 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2406: SEN. COOK (Transportation Committee) MOVED that the amendments on SJ page 292 be adopted with **DO PASS**, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that SB 2406, as amended, be placed on the Eleventh order and be laid over one legislative day pending receipt of a new fiscal note, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2275: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 277 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that SB 2275, as amended, be placed on the Eleventh order for the following legislative day, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that Senate Rule 329 be amended to read "thirty-second legislative day" in place of "twenty-third legislative day", which motion prevailed.

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 1025, HB 1121, HB 1122, HB 1167, HB 1224, HB 1388, HB 1415.

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 2001, SB 2005, SB 2010, SB 2011, SB 2014, SB 2017, SB 2025, SB 2202, SB 2241, SB 2270, SB 2279, SB 2303, SB 2319, SB 2381, SB 2388.

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., Tuesday, February 9, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2055: Government and Veterans Affairs Committee (Sen. Krebsbach, 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 2055 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "seventy-five" with "ninety-one"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2082: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2082 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2153: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2153 was placed on the Sixth order on the calendar.

Page 5, line 13, replace "The" with "If required to obtain United States department of agriculture approval of the commission's grain buyer inspection program, the"

Page 5, line 14, replace "The commission may" with "A financial statement furnished under this section is a confidential trade secret and is not a public record."

Page 5, remove lines 15 through 17

Page 8, line 5, remove "and is sufficient to cover"

Page 8, line 6, remove "the full value of all outstanding credit-sale contracts"

Page 8, line 7, after "contract" insert "along"

Page 8, line 29, replace "purposes" with "purpose" and remove the underscored colon

Page 8, line 30, replace "a. Protecting" with "protecting"

Page 9, remove lines 1 through 18

Page 10, line 11, after the underscored period insert "Information pertaining to the volume of grain handled is a confidential trade secret and is not a public record. The commission may make this information available for use by other governmental entities, but the information may not be released by those entities in a manner that jeopardizes the confidentiality of individual licensees."

Page 13, line 7, remove "roving"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2195: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2195 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2210: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2210 was placed on the Sixth order on the calendar.

Page 1, line 13, after "value" insert "and the theft is a first offense under this chapter or five hundred dollars in value and the theft is a second or subsequent offense under this chapter"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2225: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2225 was placed on the Sixth order on the calendar.

Page 1, line 18, remove "or"

Page 1, line 19, after "institution" insert ";

- j. An individual's birth date; or
- k. An individual's credit card number"

Page 1, after line 24, insert:

- "3. An individual aggrieved by the act of any person violating subsection 2 may bring a claim for relief to recover any equitable relief as the court determines to be appropriate and the greater of the actual damages or liquidated damages of up to ten thousand dollars.
- 4. In addition to any damages or other relief awarded under subsection 3, if the aggrieved individual prevails, the court may assess against the defendant reasonable attorney's fees and any other litigation costs and expenses, including expert fees, reasonably incurred by the aggrieved individual.
- 5. Any action brought under this section is in addition to any criminal prosecution that may be brought under any state or federal law."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2242: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2242 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2243: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2243 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "the drafter of an instrument affecting real property" with "deeds and contracts for deeds"

Page 1, line 6, replace "**Instrument**" with "**Deeds and contracts for deeds**"

Page 1, line 7, replace "an instrument" with "a deed or contract for deed"

Page 1, line 9, replace "instrument" with "legal description contained in the deed or contract for deed" and replace "record" with "instrument"

Page 1, line 10, replace "An instrument" with "A deed or contract for deed" and after "statement" insert "substantially"

Page 1, line 11, replace "This instrument" with "The legal description" and replace "drafted" with "prepared"

Page 1, line 12, after "(address)" insert "or obtained from a previously recorded instrument"

Page 1, line 13, replace "; a decree, order, judgment, or writ of any court; a will or instrument issued by a" with a comma

Page 1, line 14, remove "governmental entity;"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2255: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2255 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2284: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2284 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 subdivision to subsection 1 of section 57-38-01.2 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to reduction of the income tax marriage penalty; to provide an effective date; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 1 of section 57-38-01.2 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

Reduced by an amount equal to five percent of federal adjusted gross income for the same taxable year for which the return is being filed under this chapter, if all of the following conditions are met:

- (1) The deduction under this subdivision is claimed on a joint return;
- (2) The person with the lower reported income of the two people filing the joint return earned at least thirty percent of the total income reported by the two people; and

- (3) The combined gross income of the two people filing the joint return is less than one hundred fifty thousand dollars.

SECTION 2. A new subdivision to subsection 1 of section 57-38-01.2 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

Reduced by an amount equal to ten percent of federal adjusted gross income for the same taxable year for which the return is being filed under this chapter, if all of the following conditions are met:

- (1) The deduction under this subdivision is claimed on a joint return;
- (2) The person with the lower reported income of the two people filing the joint return earned at least thirty percent of the total income reported by the two people; and
- (3) The combined gross income of the two people filing the joint return is less than one hundred fifty thousand dollars.

SECTION 3. A new subsection to section 57-38-30.3 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

Taxpayers filing a joint return under this section are entitled to recompute a federal income tax liability figure to be used as a starting point to determine state income tax liability under this section if they meet the requirements of this subsection. Recomputed federal income tax liability must be determined by subtracting an amount equal to five percent of federal adjusted gross income from federal taxable income and using the resulting federal taxable income figure to recompute federal income tax liability according to rate tables provided for federal income tax purposes. The recomputed amount is federal income tax liability to be used as a starting point for the taxpayers if all of the following conditions are met:

- a. The right to recomputation under this subsection is claimed on a joint return;
- b. The person with the lower reported income of the two people filing the joint return earned at least thirty percent of the total income reported by the two people; and
- c. The combined gross income of the two people filing the joint return is less than one hundred fifty thousand dollars.

SECTION 4. A new subsection to section 57-38-30.3 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

Taxpayers filing a joint return under this section are entitled to recompute a federal income tax liability figure to be used as a starting point to determine state income tax liability under this section if they meet the requirements of this subsection. Recomputed federal income tax liability must be determined by subtracting an amount equal to ten percent of federal adjusted gross income from federal taxable income and using the resulting federal taxable income figure to recompute federal income tax liability according to rate tables provided for federal income tax purposes. The recomputed amount is federal income tax liability to be used as a starting point for the taxpayers if all of the following conditions are met:

- a. The right to recomputation under this subsection is claimed on a joint return;
- b. The person with the lower reported income of the two people filing the joint return earned at least thirty percent of the total income reported by the two people; and
- c. The combined gross income of the two people filing the joint return is less than one hundred fifty thousand dollars.

SECTION 5. EFFECTIVE DATE - EXPIRATION DATE. Sections 1 and 3 of this Act are effective for the first two taxable years beginning after December 31, 2000, and are thereafter ineffective. Sections 2 and 4 of this Act are effective for taxable years beginning after December 31, 2002. This Act is ineffective for taxable years for which the tax commissioner certifies to the governor and the legislative council that Congress has enacted federal legislation that eliminates the marriage tax penalty under federal income tax law."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2338: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2338 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2339: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2339 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2340: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2340 was placed on the Sixth order on the calendar.

Page 1, line 13, remove "exploring"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2347, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2347 was placed on the Sixth order on the calendar.

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

Page 1, after line 24, insert:

"SECTION 2. A new section to chapter 18-11 of the North Dakota Century Code is created and enacted as follows:"

Page 2, line 1, replace "5." with "**Optional plan postretirement adjustments.**", replace the third "the" with "a firefighters relief", and after "association" insert "adopting a monthly service pension plan under section 1 of this Act"

Page 2, line 6, replace "This" with "Section 2 of this"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2350: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2350 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to requirements for guides or outfitters; and to"

Page 1, line 6, overstrike "holds that person out to the public as"

Page 1, overstrike line 7

Page 1, line 8, overstrike "equipment, arrangement of lodging,", remove "access to land," and overstrike "or that person's own or"

Page 1, overstrike lines 9 and 10

Page 1, line 11, overstrike "or fur-bearers" and insert immediately thereafter "for consideration provides a saddle or pack animal; facilities; camping equipment; vehicle, vessel, or other conveyance; or personal service for a person to hunt, trap, catch, take, kill, or pursue any game, including fish, and who accompanies that person, either part or all of the way on an expedition for any of these purposes. A person providing services on real property that the person owns or leases for the primary pursuit of bona fide agricultural interests is not a guide or outfitter"

Page 1, after line 12, insert:

"**SECTION 2.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Guides and outfitters - Requirements. An individual may not be issued a license to guide without first providing the director:

1. Proof that the individual is covered by general liability insurance against loss or expense due to accident or injury from guiding or outfitting services, at a minimum of one hundred thousand dollars per individual and three hundred thousand dollars per incident;
2. Proof that the individual is currently certified in adult cardiopulmonary resuscitation or its equivalent; and
3. Proof that the individual is currently certified in standard first aid or its equivalent."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2351: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2351 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2352: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2352 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2358: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2358 was placed on the Sixth order on the calendar.

Page 1, line 3, after "telecommunications" insert ", within the levy authority for old-age and survivors' insurance; and to amend and reenact subsection 3 of section 52-09-08 and subsection 5 of section 57-15-28.1 of the North Dakota Century Code, relating to the levy limitation for old-age and survivors' insurance"

Page 1, after line 4, insert:

"**SECTION 1. AMENDMENT.** Subsection 3 of section 52-09-08 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. The political subdivision, except a school district, a multidistrict special education board, or a center board of an area vocational and technology center, shall levy a tax sufficient to meet its obligations under this chapter, up to a maximum levy not exceeding the limitation in section 57-15-28.1 or, for counties, the limitation in section 3 of this Act. Within the levy limitations set out in subsection 6 of section 57-15-28.1, the governing body of a county may levy a tax for comprehensive health care insurance employee benefit programs duly established by the governing body. Any obligations under this chapter over and above the amount raised by the maximum levy permitted in this section must be paid out of the general fund of the political subdivision. All payments by a school district for obligations incurred under this chapter must be made out of the school district's general fund established pursuant to section 57-15-14.2."

Page 1, underscore line 7

Page 1, line 8, underscore "commissioners may levy an annual tax not exceeding the limitation in section", replace "2" with "3", and underscore "of this Act to"

Page 1, underscore lines 9 and 10

Page 1, line 13, underscore "A county levying a tax for" and insert immediately thereafter "old-age and survivors' insurance according to section 52-09-08, for social security, for an employee retirement program established by the governing body, for county automation and telecommunications under section 2 of this Act, or for any combination of those purposes, may levy a tax not exceeding thirty mills. The portion of the levy under this subsection for" and underscore "county automation and telecommunications under"

Page 1, line 14, underscore "section", replace "1" with "2", underscore "of this Act may", remove "levy a tax", underscore "not", remove "to", and underscore "exceed five mills."

Page 1, after line 14, insert:

"SECTION 4. AMENDMENT. Subsection 5 of section 57-15-28.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. A political subdivision, except a school district or county, levying a tax for old-age and survivors' insurance according to section 52-09-08, for social security, or for an employee retirement program established by the governing body, or for any combination of those purposes, may levy a tax not exceeding thirty mills."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2366: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2366 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "and" and remove the overstrike over "~~, and agricultural~~"

Page 1, line 10, remove "animal manure," and overstrike "solid" and insert immediately thereafter ":

- a. Agricultural waste, including manures and crop residues, returned to the soil as fertilizer or soil conditioners; or
- b. Solid"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2382: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2382 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "57-15-10" insert ", and subsection 3 of section 57-15-56"

Page 1, after line 12, insert:

"SECTION 3. AMENDMENT. Subsection 3 of section 57-15-56 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. The levy authorized by this section may be imposed or removed only by a vote of a majority of the qualified electors of the county or city voting on the question directing the governing body to do so. The levy authorized by this section may not be increased to a levy of more than one mill under the authority of this section unless approved by a vote of a majority of the qualified electors of the county or city voting on the question. The governing body shall put the issue before the qualified electors either on its

own motion or when a petition in writing, signed by qualified electors of the county or city equal in number to at least ten percent of the total vote cast in the county or city for the office of governor of the state at the last general election, is presented to the governing body."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2387: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2387 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2394: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2394 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2399: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2399 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2417: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2417 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with "to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to empowerment zone tax credits;" and after "appropriation" insert "; and to provide an effective date"

Page 6, after line 6, insert:

- "4. A partnership, limited partnership, subchapter S corporation, limited liability company or any other pass-through entity that invests in an empowerment zone must be considered to be the taxpayer for purposes of any credit calculations or investment limitations in this section, and the amount of the credit allowed with respect to the entity's investments must be determined at the pass-through entity level. The amount of the total exemption or credit determined at the entity level must be passed through to the partners, shareholders, or members in proportion to their respective interests in the pass-through entity."

Page 6, line 7, replace "4" with "5"

Page 8, after line 2, insert:

"SECTION 11. A new subsection to section 57-38-30.3 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

An individual, estate, or trust is allowed, as a credit against the tax otherwise due under this section, the empowerment zone tax credits under section 8 of this Act."

Page 8, after line 7, insert:

"SECTION 13. EFFECTIVE DATE. Section 8 of this Act is effective for taxable years beginning after December 31, 1998, and does not apply to any investments or activities that occurred before January 1, 1999."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2420, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2420 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2436: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2436 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4023: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4023 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILL

Sens. Tallackson, Grindberg, Klein, T. Mathern and Reps. Herbel, Maragos introduced:
(Approved by the Delayed Bills Committee)

SB 2437: A BILL for an Act to create and enact a new section to chapter 23-15 of the North Dakota Century Code, relating to fireworks sales for New Year's Eve 2000; and to amend and reenact section 23-15-01 of the North Dakota Century Code, relating to the sale of fireworks.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Mutzenberger, Bercier, Thompson and Reps. Fairfield, S. Kelsh introduced:

SCR 4036: A concurrent resolution to create and enact a new section to the Constitution of North Dakota, relating to requiring recipients of state funding for economic development projects to pay wages at least equal to one hundred percent of the federal poverty level for a family of four.

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

FIRST READING OF HOUSE BILLS

HB 1025: A BILL for an Act to amend and reenact sections 28-32-02.3 and 28-32-02.4 of the North Dakota Century Code, relating to adoption of administrative rules from federal guidelines and adoption of rules by reference and appropriate circumstances; and to provide an effective date.

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

HB 1121: A BILL for an Act to amend and reenact sections 14-09-08.1 and 14-09-09.29 of the North Dakota Century Code, relating to notice procedures, procedures upon failure to pay child support, and coordination of income withholding services; to provide an effective date; to provide an expiration date; and to declare an emergency.

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

HB 1122: A BILL for an Act to amend and reenact sections 54-44.8-01, 54-44.8-03, and 54-44.8-06 of the North Dakota Century Code, relating to administration of the program for telecommunications services for communications impaired persons.

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

HB 1167: A BILL for an Act to create and enact a new section to chapter 11-33.2, a new subsection to section 61-16.2-02, and a new section to chapter 61-16.2 of the North Dakota Century Code, relating to identifying the floodplain on plats, definition of community, and state engineer review of uses in floodways; and to amend and reenact subsection 2 of section 11-33-03, subsection 2 of section 40-47-03, subsection 11 of section 40-50.1-01, sections 58-03-12, 61-16.2-04, 61-16.2-08, and 61-16.2-13 of the North Dakota Century Code, relating to emergency management, identifying floodplain on plats, delineation of the floodway for lakes, elevation of structure in the floodway, and mandatory community participation in the flood insurance program.

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

HB 1224: A BILL for an Act to amend and reenact subsection 4 of section 15-47-38 of the North Dakota Century Code, relating to teacher suspensions.

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

HB 1388: A BILL for an Act to create and enact two new sections to chapter 43-15 of the North Dakota Century Code, relating to pharmacist education requirements and approved laboratory tests; and to amend and reenact subsection 23 of section 43-15-01 of the North Dakota Century Code, relating to the definition of practice of pharmacy.

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

HB 1415: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation of members of the legislative assembly; and to provide an effective date.

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

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

WILLIAM C. PARKER, Secretary