

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, March 4, 1999

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

The prayer was offered by Senator Watne.

The roll was called and all members were present except Senator C. Nelson.

A quorum was declared by the President.

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 Thirty-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 605, line 26, replace "engrossed" with "reengrossed"

Page 605, line 29, replace "Engrossed" with "Reengrossed"

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

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 3, 1999, I have signed the following: SB 2089.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 3, 1999, I have signed the following: SB 2028, SB 2034, SB 2062, SB 2065, SB 2076, SB 2078, SB 2083, SB 2090, SB 2109, SB 2117, SB 2118, SB 2135, SB 2137, SB 2150, SB 2241, SB 2251, and SB 2265.

MOTION

SEN. ST. AUBYN MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your **Select Committee (Sen. Watne, Chairman)** appointed to consider the appointment of the Director of Administrative Hearings, do advise and consent to the reappointment of Allen C. Hoberg.

SEN. WATNE MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the reappointment of Allen C. Hoberg for Director of Administrative Hearings", the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, C.

The Senate advises and consents to the reappointment of Allen C. Hoberg as Director of Administrative Hearings.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your **Select Committee (Sen. Klein, Chairman)** appointed to consider the appointment of the Securities Commissioner, do advise and consent to the appointment of Syver Vinje.

SEN. KLEIN MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the appointment of Syver Vinje for Securities Commissioner", the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, C.

The Senate advises and consents to the appointment of Syver Vinje as Securities Commissioner.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your **Select Committee (Sen. Klein, Chairman)** appointed to consider the appointment of the Banking Commissioner, do advise and consent to the reappointment of Gary D. Prezler.

SEN. KLEIN MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the reappointment of Gary D. Prezler for Banking Commissioner", the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, C.

The Senate advises and consents to the reappointment of Gary D. Prezler as Banking Commissioner.

MOTION

SEN. ST. AUBYN MOVED that the Confirmation Session be dissolved, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that HB 1183 be returned to the Senate floor from the **Transportation Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. St. Aubyn's motion, HB 1183 was rereferred.

MOTION

SEN. ST. AUBYN MOVED that after action taken on the Sixth order, SCR 4022 be placed on the Eleventh order, as amended, for immediate second reading and final passage, and HB 1332 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4022: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 592 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4022: A concurrent resolution for the amendment of section 2 of article V, section 3 of article IX, and section 12 of article X of the Constitution of North Dakota, relating to the office of state treasurer; to repeal section 15 of article XII of the Constitution of North Dakota, relating to the duties of the state treasurer upon the issuance of legal tender by banks in the state; to provide for transition; and to provide an effective date.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 31 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: 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.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

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

ABSENT AND NOT VOTING: Nelson, C.

Engrossed SCR 4022 was declared adopted and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1332, as engrossed: SEN. THOMPSON (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 605 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1332: A BILL for an Act to amend and reenact section 65-01-02, subsection 4 of section 65-05-28, subsection 1 of section 65-05-28.2, and section 65-07-01 of the North Dakota Century Code, relating to workers compensation definitions, medical treatment, coverage; to repeal section 65-07-04 of the North Dakota Century Code, relating to calculation of the wages of a self-employed person; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, C.

Engrossed HB 1332, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1383, as reengrossed: SEN. HEITKAMP (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 605 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1160: A BILL for an Act to amend and reenact sections 13-04.1-05 and 13-05-05 of the North Dakota Century Code, relating to sale and transfer of money broker and collection agency licenses.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, C.

HB 1160 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1238: A BILL for an Act to amend and reenact sections 26.1-12-06, 26.1-12-14, 26.1-12-16, and subsection 3 of section 28-22-03.1 of the North Dakota Century Code, relating to mutual insurance company bylaws, domestic mutual insurance company voting, and absolute exemptions 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, C.

HB 1238 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1269: A BILL for an Act to amend and reenact subsection 1 of section 52-06-02 of the North Dakota Century Code, relating to disqualification from unemployment compensation benefits.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, C.

Engrossed HB 1269 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1270: A BILL for an Act to create and enact a new subsection to section 6-05-08 of the North Dakota Century Code, relating to the corporate powers of a state-chartered trust company.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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, G.; Nothing; O'Connell; Redlin; Robinson; Sand;

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

ABSENT AND NOT VOTING: Nelson, C.

Engrossed HB 1270 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1330: A BILL for an Act to amend and reenact sections 65-01-16 and 65-05-04 of the North Dakota Century Code, relating to workers compensation bureau decisions, disputed decisions, and continuing jurisdiction; to repeal section 7 of chapter 532 of the 1997 Session Laws, relating to the effective date of chapter 532 of the 1997 Session Laws and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 34 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bercier; DeMers; Heitkamp; Kelsh; Krauter; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; O'Connell; Redlin; Tallackson; Thompson; Tomac

ABSENT AND NOT VOTING: Nelson, C.

Engrossed HB 1330 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1445: A BILL for an Act to create and enact a new section to chapter 49-21.1 of the North Dakota Century Code, relating to differentiation between electricity transmission lines and electricity distribution lines.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, C.

Engrossed HB 1445 passed and the title was agreed to.

SECOND READING OF HOUSE BILLS ON CONSENT CALENDAR

HB 1234: A BILL for an Act to amend and reenact section 27-09.1-05.1 of the North Dakota Century Code, relating to selection of jurors from a judicial district.

HB 1235: A BILL for an Act to amend and reenact section 40-18-22 of the North Dakota Century Code, relating to continuing education for municipal judges.

ROLL CALL

The question being on the final passage of the bills, which have been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, C.

HB 1234 and HB 1235 passed on a recorded roll call vote and the titles were agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2266 as printed on SJ page 591 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2266: Sens. Thane, Fischer, DeMers.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1168.

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

MADAM PRESIDENT: The Speaker has signed: SB 2063, SB 2070, SB 2110, SB 2130, SB 2131, SB 2146, SB 2157, SB 2178, SB 2190, SB 2231, SB 2292.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 7:39 a.m., March 4, 1999: SB 2056, SB 2077, SB 2085, SB 2086, SB 2091, SB 2099, SB 2100, SB 2106, SB 2111, SB 2138, SB 2139, SB 2145, SB 2179, SB 2272, SB 2291, SB 2360.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 11:15 a.m., March 4, 1999: SB 2063, SB 2070, SB 2110, SB 2130, SB 2131, SB 2146, SB 2157, SB 2178, SB 2190, SB 2231, SB 2292.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 7:39 a.m., March 4, 1999: SCR 4001.

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

MR. SPEAKER: The President has signed: HB 1044, HB 1050, HB 1053, HB 1074, HB 1076, HB 1078, HB 1085, HB 1088, HB 1098, HB 1107, HB 1110, HB 1111, HB 1113, HB 1114, HB 1116, HB 1117, HB 1125, HB 1180, HB 1181, HB 1201, HB 1208, HB 1215, HB 1216, HB 1222, HB 1247, HB 1271, HB 1318, HB 1337, HB 1343, HB 1351, HB 1363, HB 1459, HB 1474, HCR 3010.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4010.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1064, HB 1124, HB 1127, HB 1179, HB 1285.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2266 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2266: Sens. Thane; Fischer; DeMers

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

MR. SPEAKER: The Senate has failed to pass: HB 1435.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1077, HB 1122, HB 1143, HB 1188, HB 1349.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)
MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3072, HCR 3077.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)
MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3078.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)
MADAM PRESIDENT: The House has passed unchanged: SB 2041, SB 2133, SB 2142, SB 2149, SB 2214, SB 2219, SB 2221, SB 2295, SB 2303, SB 2315, SB 2328, SB 2376.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)
MADAM PRESIDENT: The House has failed to pass: SB 2112, SB 2370.

MOTION

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

MOTION

SEN. ST. AUBYN MOVED that the Senate be on the Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 5, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1045, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1045 was placed on the Sixth order on the calendar.

Page 1, line 3, after "1-04-09" insert ", 1-08-08"

Page 1, line 19, replace the second "section" with "sections 42-04-01,"

Page 1, line 20, after "45-10.1-02" insert ", section 47-10.1-02"

Page 1, line 25, after "sections" insert "10-19.1-03,"

Page 2, after line 13, insert:

"SECTION 2. AMENDMENT. Section 1-08-08 of the North Dakota Century Code is amended and reenacted as follows:

1-08-08. Validation of land titles acquired by corporations ~~prior to~~ before March 7, 1935. The title and ownership of any real estate acquired in any manner by any domestic or foreign corporation after July 29, 1932, and ~~prior to~~ before March 7, 1935, is hereby declared to be valid for all purposes, subject, however, to ~~all of the provisions contained in chapter 10-06~~ 10-06.1."

Page 36, after line 18, insert:

"SECTION 61. AMENDMENT. Section 42-04-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

42-04-01. "Agricultural operation" defined. As used in this chapter, "agricultural operation" means the science and art of production of plants and animals useful to ~~man~~ people, by a corporation ~~as provided in chapter 10-06,~~ or a limited liability company ~~as allowed under chapter 10-06.1,~~ a partnership, or a proprietorship, and including, to a variable extent, the preparation of these products for ~~man's~~ people's use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products, and farm production."

Page 38, after line 18, insert:

"SECTION 66. AMENDMENT. Section 47-10.1-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

47-10.1-02. Restriction on acquisition - Exceptions. A person who is not a citizen of the United States or a citizen of Canada, except a permanent resident alien of the United States, may not acquire directly or indirectly any interest in agricultural land. A partnership, limited partnership, limited liability company, trustee, or other business entity may not, directly or indirectly, acquire or otherwise obtain any interest, whether legal, beneficial, or otherwise, in any title to agricultural land unless the ultimate beneficial interest of the entity is held directly or indirectly by citizens of the United States or permanent resident aliens of the United States. This section does not apply to agricultural land that may be acquired by devise, inheritance, as security for indebtedness, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise; provided, that all agricultural land acquired in the collection of debts or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership, if the acquisition would otherwise violate this section. This section does not apply to a foreign corporation or a foreign limited liability company which acquires agricultural land for use as an industrial site where construction contracts are entered into by the corporation or limited liability company within one hundred fifty days after acquisition of the land; provided, that this exception shall only apply to so much agricultural land as is reasonably necessary for industrial purposes. A foreign corporation or a foreign limited liability company which owns agricultural land for industrial purposes but which discontinues using the land for industrial purposes shall dispose of the land as provided by chapter ~~40-06~~ 10-06.1. A foreign corporation or foreign limited liability company shall dispose of agricultural land acquired for industrial purposes within one year after acquisition if construction contracts are not entered into within one hundred fifty days after acquisition of the land. This section does not apply to citizens or subjects of a foreign country whose rights to hold land are secured by treaty or to common carriers by railroad subject to the jurisdiction of the interstate commerce commission."

Page 44, line 29, after "Sections" insert "10-19.1-03,"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1066, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1066 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1138: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1138 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1151, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1151 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 15-20.4 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "postsecondary educational institution; to"

Page 7, remove lines 9 through 17

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1159: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1159 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1170, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations**

Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1170 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1186, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1186 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1224: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1224 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1226, as engrossed: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1226 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1312: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1312 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1341: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1341 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1364, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1364 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1365: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1365 was placed on the Sixth order on the calendar.

Page 2, line 12, replace "by first-class mail" with "to each association with statewide membership whose primary focus is elementary and secondary education issues which has requested to receive notices from the superintendent under this section and"

Page 2, line 15, after the underscored period insert "Notice provided by the superintendent of public instruction under this section may be by first-class mail or electronic mail. Within thirty days after the effective date of this Act or by January thirtieth of each year the superintendent shall notify each group or person entitled to notice under this section of how notices will be provided during the period ending the following January thirtieth and shall request a mail or electronic mail address to be used for each group or person."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1401: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1401 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1456: 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). HB 1456 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "40-57.1-03" insert ", 57-02.2-02,"

Page 3, after line 5, insert:

"SECTION 2. AMENDMENT. Section 57-02.2-02 of the North Dakota Century Code is amended and reenacted as follows:

57-02.2-02. Improvement defined. In this chapter, unless the context or subject matter otherwise requires, the term "improvement" means the renovation, remodeling, or alteration, but not the replacement, of an existing building or structure for use for commercial or residential purposes. An improvement for residential purposes is limited to a building or structure at least twenty-five years old. An addition constructed to an existing building or structure to enlarge it ~~may not be regarded as~~ is an improvement for the purposes of this chapter."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3041: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3041 was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2108: Your conference committee (Sens. Wardner, Kilzer, DeMers and Reps. Kliniske, Devlin, Metcalf) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 558 and place SB 2108 on the Seventh order.

SB 2108 was placed on the Seventh order of business on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3072: A concurrent resolution directing the Legislative Council to study the state of the law in this state and other states dealing with the administration of discipline in public schools.

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

HCR 3077: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing and funding alternative high schools in rural areas.

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

HCR 3078: A concurrent resolution directing the Legislative Council to study the equitable delivery of education services to students in this state and methods of accurately calculating and disbursing state funding for education.

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

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

WILLIAM C. PARKER, Secretary