

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, March 22, 2001

The Senate convened at 1:00 p.m., with President Pro Tem Krebsbach presiding.

The prayer was offered by Pastor Scott Sheets, Bismarck Alliance Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President Pro Tem.

## CORRECTION AND REVISION OF THE JOURNAL

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

Page 792, line 14, remove "SB 2230"

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

## REPORT OF DELAYED BILLS COMMITTEE

**MR. PRESIDENT:** Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has approved the introduction of a concurrent resolution directing the Legislative Council to study limiting actions for lead-based paint claims.

The resolution will be SCR 4049.

## MOTION

**SEN. KRINGSTAD MOVED** that the Senate reconsider its action whereby Engrossed HB 1269, as amended, failed to pass, which motion prevailed on a verification vote.

## SECOND READING OF HOUSE BILL

**HB 1269:** A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting; 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 26 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Cook; Dever; Espegard; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Krebsbach; Kringstad; Lyson; Mathern, T.; Mutch; Nelson, G.; Nething; Nichols; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher

**NAYS:** Andrist; Bercier; Bowman; Christenson; Christmann; Erbele; Every; Fischer; Kelsh; Kilzer; Klein; Krauter; Kroeplin; Lee; Lindaas; Mathern, D.; Nelson, C.; O'Connell; Polovitz; Tomac; Wanzek; Wardner; Watne

Engrossed HB 1269, as amended, passed, the title was agreed to, but the emergency clause lost for lack of two-thirds majority.

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## CONSIDERATION OF AMENDMENTS

**HB 1444, as engrossed: SEN. CHRISTENSON (Education Committee) MOVED** that the amendments on SJ pages 889-890 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1460: SEN. KROEPLIN (Finance and Taxation Committee) MOVED** that the amendments on SJ page 890 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1105, as reengrossed: SEN. C. NELSON (Appropriations Committee) MOVED** that the amendments on SJ page 887 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1105:** A BILL for an Act to provide for a computerized central indexing system; to create and enact section 41-05-18 and a new chapter 41-09 of the North Dakota Century Code, relating to Uniform Commercial Code Article 9 - Secured Transactions; to amend and reenact subsection 5 of section 11-18-05, sections 32-20-08 and 35-06-11, subdivision a of subsection 1 of section 35-29-04, subsection 2 of section 35-32-02, section 35-34-06, subsection 2 of section 41-01-05, section 41-01-10.5, subsections 9 and 32 and subdivision a of subsection 37 of section 41-01-11, subsection 2 of section 41-01-16, subdivision d of subsection 3 of section 41-02-03, sections 41-02-17, 41-02-43, and 41-02-50, subsection 3 of section 41-02-95, subsection 3 of section 41-02.1-03, sections 41-02.1-33 and 41-02.1-37, subdivision b of subsection 1 of section 41-02.1-39, subdivision a of subsection 3 of section 41-04-22, subdivision a of subsection 1 of section 41-07-32, subsection 6 of section 41-08-03, section 41-08-06, subsection 5 of section 41-08-10, subdivision c of subsection 1 of section 41-08-27, subsection 1 of section 41-08-28, section 41-08-50, subsection 12 of section 47-19-02, subdivision a of subsection 2 of section 49-04-19, and section 54-09-08 of the North Dakota Century Code, relating to the Uniform Commercial Code; to repeal present chapter 41-09 of the North Dakota Century Code, relating to secured transactions; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed HB 1105, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1157, as engrossed: SEN. O'CONNELL (Education Committee) MOVED** that the amendments on SJ pages 887-888 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1157:** A BILL for an Act to provide for a quality schools initiative for studying the provision of education in public schools for the purpose of maintaining and enhancing educational quality and to provide for the powers, duties, and funding of the quality schools initiative; and to provide an expiration 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 2 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Krebsbach; Wardner

**NAYS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Watne

Engrossed HB 1157, as amended, lost.

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**CONSIDERATION OF AMENDMENTS**

**HB 1197, as engrossed: SEN. HEITKAMP (Appropriations Committee) MOVED** that the amendments on SJ page 888 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1197:** A BILL for an Act to amend and reenact section 54-06-09 of the North Dakota Century Code, relating to mileage and travel expense reimbursement for state officials and employees; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1197, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**HB 1233, as engrossed: SEN. T. MATHERN (Human Services Committee) MOVED** that the amendments on SJ page 888 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1233:** A BILL for an Act to amend and reenact section 23-12-14 of the North Dakota Century Code, relating to copies of medical records.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Espegard; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Solberg; Tallackson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Cook; Dever; Erbele; Every; Kilzer; Lyson; Mutch; Schobinger; Stenehjem; Thane; Tollefson; Trenbeath

Engrossed HB 1233, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1234, as engrossed: SEN. KILZER (Human Services Committee) MOVED** that the amendments on SJ pages 888-889 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1234:** A BILL for an Act to amend and reenact section 23-12-14 of the North Dakota Century Code, relating to consent to release of medical records.

**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; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson;

Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1234, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1270: SEN. TRENBEATH (Appropriations Committee) MOVED** that the amendments on SJ page 889 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1270:** A BILL for an Act to provide for an interstate compact for adult offender supervision; and to provide an expiration 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 45 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Christmann; Cook; Dever; Erbele; Espesgard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Andrist; Bowman; Mutch; Schobinger

HB 1270, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1465, as engrossed: SEN. CHRISTENSON (Education Committee) MOVED** that the amendments on SJ pages 890-891 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1465:** A BILL for an Act to provide for a mental retardation credential; to create and enact two new sections to chapter 15-47 of the North Dakota Century Code or in the alternative to create and enact two new sections to chapter 15.1-18 of the North Dakota Century Code, relating to the special education strategist credential; and to provide an expiration 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espesgard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1465, as amended, passed and the title was agreed to.

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#### MOTION

**SEN. CHRISTMANN MOVED** that Engrossed HB 1462, which is on the Fourteenth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1462 was rereferred.

#### MOTION

**SEN. CHRISTMANN MOVED** that SB 2086, SB 2097, SB 2116, SB 2187, SB 2361, and SB 2384 be moved to the top of the calendar, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FREBORG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2086 as printed on SJ page 833 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 Engrossed SB 2086: Sens. Freborg, Cook, O'Connell.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KILZER MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2097 as printed on SJ page 758 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 Engrossed SB 2097: Sens. Fischer, Erbele, T. Mathern.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2116 as printed on SJ pages 871-872 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 Engrossed SB 2116: Sens. Traynor, Lyson, Bercier.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LEE MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2187 as printed on SJ page 853 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 Engrossed SB 2187: Sens. Kilzer, Lee, T. Mathern.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LEE MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2361 as printed on SJ page 854 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 Reengrossed SB 2361: Sens. Erbele, Fischer, Polovitz.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2384 as printed on SJ page 855 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 Engrossed SB 2384: Sens. Watne, Lyson, C. Nelson.

**POINT OF PERSONAL PRIVILEGE**

**SEN. KRAUTER REQUESTED** that his remarks be printed in the Journal, which request was granted.

**REMARKS OF SENATOR KRAUTER**

National Agriculture Week is a time for all Americans to consider the debt owed to farmers and ranchers for providing them with the world's most abundant, highest quality and least expensive food supply. This is especially true in North Dakota - the most agriculturally dependent of the 50 states.

For years, it was said that North Dakota agriculture was wheat and cattle. Well, North Dakota agriculture is wheat and cattle AND a whole lot more.

Most of us know that North Dakota is the nation's leading producer of spring wheat and durum. But how many know that North Dakota leads the country in the production of barley, dry edible

beans, sunflowers, canola, flax and honey. We're also a leading producer of livestock, turkeys, potatoes, oats, crambe and soybeans.

Our farmers employ some of the latest, most up-to-date technology. More than 90 percent of today's farms use computers, and almost 90 percent of farmers own cellular phones. More and more farmers are using satellites to help them make planting and tillage decisions.

Forget the image of the farmer and some kind of hick in overalls with a piece of straw clenched in his teeth. Today's farmer is a businessman, an entrepreneur, a soil scientist and conservationist, a mechanical engineer, an animal caretaker, an accountant, a computer programmer, and a financial planner. More than likely, that farmer is also a spouse and parent, active in the community and church. That same farmer is also ready to come to a neighbor's aid when trouble strikes.

In short, it's no job for wimps. So what do these people mean to North Dakota? Plenty!

Agriculture is our leading industry - a \$2.8 billion industry with exports valued at more than a billion dollars. More than 90 percent of the land in North Dakota - almost 40 million acres - is in the state's more than 30,000 farms and ranches. Our consumers spend only 11 percent of their income on food. Compare that to Germany at 17 percent, Mexico at 24 percent, and India at 51 percent. Food is not only a bargain here - it's plentiful and wholesome. Agriculture and ag-related businesses and industries employ thousands of North Dakotans. Our farms and ranches provide food and habitat for 75 percent of the state's wildlife.

I could go on and on, but it is already abundantly clear that agriculture is number one in North Dakota, and that every North Dakota citizen should be concerned about the problems facing our farmers and ranchers. Flooding and drought, insects and plant diseases have all taken a heavy toll the past few years. Couple them with soaring costs for fuel, fertilizer, chemicals and other supplies and you have real trouble. Couple them with record low commodity prices, and you've got disaster.

The decade of the 90s was a very tough "row to hoe", and believe me, the year 2000 was no picnic either. And while cattle prices seem to have recovered somewhat, the overall outlook for 2001 is none too bright. Farmers and ranchers - our farmers and ranchers - get less than 20 percent of every dollar spent on food in this country. That's simply not right. What can we do to help our family farmers and ranchers?

We can support legislation and policies that benefit agriculture. We can look to labels to see that the food we buy is grown right here. We can spread the word that it's family farm agriculture that provides Americans with a dependable source of high quality, inexpensive food.

National Agriculture Week is a time to thank our farmers and ranchers for all they do. It is also a time for all North Dakotans to resolve to do everything they can to help this all-important industry thrive in the Twenty-first century.

Thank you.

#### **COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 22, 2001, I have signed the following: SB 2078, SB 2085, SB 2115, SB 2179, SB 2227, SB 2230, SB 2254, SB 2255, SB 2340, SB 2372, and SB 2445.

#### **MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2055, SB 2074, SB 2129, SB 2160, SB 2169, SB 2175, SB 2176, SB 2196, SB 2234, SB 2235, SB 2256, SB 2288, SB 2327, SB 2330, SB 2344, SB 2375, SB 2381, SB 2393, SB 2406, SB 2408, SB 2424, SB 2426, SB 2431, SB 2441, SB 2451, SCR 4011, SCR 4017, SCR 4023, SCR 4026, SCR 4038, SCR 4043, SCR 4046.

#### **MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SCR 4009, SCR 4013, SCR 4015, SCR 4016, SCR 4025, SCR 4028.

#### **MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed: HB 1028, HB 1101, HB 1108, HB 1133, HB 1137, HB 1153, HB 1159, HB 1161, HB 1166, HB 1193, HB 1221, HB 1222, HB 1223, HB 1238, HB 1260, HB 1297, HB 1302, HB 1329, HB 1331, HB 1336, HB 1342, HB 1352, HB 1353, HB 1367, HB 1415, HB 1422, HB 1424, HB 1448, HB 1452.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HCR 3010, HCR 3012, HCR 3020, HCR 3021, HCR 3022, HCR 3023, HCR 3024, HCR 3029, HCR 3031, HCR 3047, HCR 3052, HCR 3055, HCR 3057, HCR 3059, HCR 3060, HCR 3062, HCR 3064.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1151, HB 1174.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1100, HB 1181, HB 1203, HB 1242, HB 1262, HB 1274.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1168.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1478.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2086, SB 2097, SB 2116, SB 2187, SB 2361, and SB 2384 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2086:** Sens. Freborg; Cook; O'Connell  
**SB 2097:** Sens. Fischer; Erbele; T. Mathern  
**SB 2116:** Sens. Traynor; Lyson; Bercier  
**SB 2187:** Sens. Kilzer; Lee; T. Mathern  
**SB 2361:** Sens. Erbele; Fischer; Polovitz  
**SB 2384:** Sens. Watne; Lyson; C. Nelson

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1360 and HB 1427.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SB 2298, SCR 4003, SCR 4004, SCR 4005, SCR 4006, SCR 4045.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass: SB 2346, SCR 4010, SCR 4021.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently failed: SB 2278, SB 2358.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1226 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1226:** Reps. Devlin; Porter; Metcalf

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2102:** Reps. Severson; Herbel; Delmore  
**SB 2197:** Reps. Severson; Grosz; Eckre

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1360, HB 1427.

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Seventh, and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 23, 2001, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SCR 4048: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4048 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1046: 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 1046 was placed on the Sixth order on the calendar.

Page 1, line 7, after "15.1-09-34" insert ", 15.1-09-44"

Page 1, line 10, remove "and 57-51.1-08,"

Page 1, line 12, after "contracts" insert ", schoolbuses"

Page 1, line 17, replace the second "and" with a comma and after "15.1-09-37" insert ", and 57-51.1-08"

Page 1, line 18, replace "and" with a comma and after "fees" insert ", and legislative intent"

Page 9, after line 23, insert:

**"SECTION 18. AMENDMENT.** Section 15.1-09-44 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15.1-09-44. Schoolbuses - Use of nonprofit organizations.** The board of a school district may make a schoolbus available to a nonprofit organization for use in conjunction with the organization's activities. The board shall negotiate the terms of usage with the organization. The terms must address rental charges and insurance coverage. The driver of a schoolbus used by a nonprofit organization under this section must satisfy the requirements for a schoolbus driver set forth in section ~~45.1-07-24~~ 15.1-07-20."

Page 22, remove lines 25 through 31

Page 23, remove lines 1 through 13

Page 24, line 3, replace "and" with a comma and after "15.1-09-37" insert ", and 57-51.1-08"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1109, as reengrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1109 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on pages 873 and 874 of the Senate Journal, Reengrossed House Bill No. 1109 is amended as follows:

Page 4, line 4, after the underscored comma insert "medication management,"

Page 5, line 2, replace the first underscored comma with "or" and remove ", or an independent"

Page 5, line 3, remove "living facility"

Page 6, remove lines 2 through 4

Page 6, line 5, replace "11" with "10"

Page 6, line 8, replace "12" with "11"

Page 6, line 11, replace "13" with "12"

Page 6, line 14, replace "14" with "13"

Page 6, line 16, replace "15" with "14"

Page 6, line 19, replace "16" with "15"

Page 6, line 21, replace "17" with "16"

Page 6, line 24, replace "18" with "17"

Page 6, line 29, replace "19" with "18"

Page 7, line 3, replace "20" with "19"

Page 7, line 6, replace "21" with "20"

Page 7, line 8, replace "22" with "21"

Page 7, line 23, replace "holding itself out to the public as an assisted living facility located in this state" with "using the term "assisted living" in its advertising"

Page 7, line 24, remove "by providing such information as the"

Page 7, remove line 25

Page 7, line 26, remove "health under chapter 23-09"

Page 7, line 28, replace "ten" with "seventy-five"

Page 8, line 3, after the underscored period insert "The department shall involve the facilities in the rulemaking process."

Page 8, line 11, remove ", markets its services as an"

Page 8, line 12, remove "assisted living facility,"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1141, as reengrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1141 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact three new sections to chapter 15.1-12 of the North Dakota Century Code, relating to school district reorganization; and to amend and reenact section 15.1-12-11.1 of the North Dakota Century Code, relating to school district reorganization bonuses.

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

**SECTION 1.** A new section to chapter 15.1-12 of the North Dakota Century Code is created and enacted as follows:

Reorganization plan - Building fund levy. The reorganization plan required by section 15.1-12-09 may propose the inclusion of up to ten mills as a building fund levy. If the reorganization plan is approved by a majority of electors residing within the boundaries of the proposed new district, the building fund levy becomes effective, notwithstanding any other voter approval requirement in section 57-15-16.

**SECTION 2.** A new section to chapter 15.1-12 of the North Dakota Century Code is created and enacted as follows:

Reorganization plan - Interim fund balance.

1. The reorganization plan must specify whether the balance in the interim fund of each district participating in the reorganization is to be wholly or partially allocated to the general fund of the newly reorganized district.
2. If the reorganization plan provides that the balance in the interim fund of each district participating in the reorganization is to be wholly allocated to the general fund of the newly reorganized district, the reorganization plan

may also provide that the general fund mill levy applicable to property in those participating districts having a general fund mill levy that is lower than the proposed general fund mill levy for the reorganized district may be raised incrementally, over a period of five years, to the level proposed for the reorganized district.

3. a. If the reorganization plan provides that the balance in the interim fund of each district participating in the reorganization is to be partially allocated to the general fund of the newly reorganized district, then each participating district shall divide the amount of its interim fund balance on the day preceding the effective date of the reorganization by the number of students in average daily membership in the district during the school year concluding on the day preceding the effective date of the reorganization.
- b. The participating district having the lowest per student interim fund balance must contribute the total amount of its interim fund balance to the general fund of the newly reorganized district.
- c. Each of the other participating districts shall multiply the lowest district's per student interim fund amount by the number of students in average daily membership in their respective districts during the school year concluding on the day preceding the effective date of the reorganization. Each of the other participating districts must contribute the lesser of the amount arrived at under this subdivision or the total amount in its interim fund to the general fund of the newly reorganized district.
- d. If after complying with the requirements of subdivision c, a participating district has a balance available in its interim fund, the reorganization plan must allow that balance to be used by or on behalf of property owners residing within the boundaries of that participating district, as a proportionate credit against any property taxes owed by the property owners. The reorganization plan must determine the manner in which the proportionate credit must be used. The credit may be used either in its entirety on a single occasion or applied to several taxable years. The credit may not be used beyond the fifth taxable year.

**SECTION 3. AMENDMENT.** Section 15.1-12-11.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15.1-12-11.1. Reorganization bonus - Eligibility - Distribution.**

1. If a school district reorganizes with one or more contiguous school districts or portions of districts, the newly reorganized district is entitled to receive a reorganization bonus, provided at least one of the reorganizing districts is a high school district and that the newly reorganized district ~~consists~~:
  - a. Consists of at least eight hundred square miles [207198 hectares]; or
  - b. Consists of at least five hundred square miles [129499 hectares], has a student enrollment of at least five hundred twenty, and had no practical reorganization alternatives that would have allowed it to meet the requirements of subdivision a.
2. The total reorganization bonus to which a newly reorganized district is eligible consists of:
  - a. Fifty thousand dollars per one hundred square mile [25899 hectares] block, or a major portion thereof, included within the reorganized district and calculated by determining the lesser of the total square mileage [hectares] of the reorganized district or one thousand four hundred square miles [362597 hectares], and subtracting from that amount the square mileage [hectares] of the largest district or portion of a district involved in the reorganization;
  - b. One thousand dollars per student calculated by determining the lesser of the total fall enrollment of the newly reorganized district or seven hundred fifty and subtracting from that amount the fall enrollment in

the district or portion of the district that had the largest student population of those districts or portions of districts participating in the reorganization during the school year immediately preceding the effective date of the reorganization; and

- c. Fifty thousand dollars for each whole school district that formed the reorganized district.
3. The superintendent of public instruction shall distribute the reorganization bonus to each eligible reorganized district during the month of December, following the effective date of the district's reorganization.

**SECTION 4.** A new section to chapter 15.1-12 of the North Dakota Century Code is created and enacted as follows:

Reorganization bonus - Advanced payment.

1. If the boards of two or more school districts vote to study the feasibility and desirability of reorganizing with each other, the boards may apply to the superintendent of public instruction for an advanced reorganization payment.
2. The superintendent of public instruction shall advance a payment of fifteen thousand dollars to the board of each school district that voted to study the reorganization, provided that at least one of the participating districts is a high school district and that the districts, if reorganized, would qualify for a reorganization bonus under section 15.1-12-11.1.
3. If the school districts reorganize, the superintendent of public instruction shall deduct any money advanced under this section from the amount of the bonus due the newly reorganized district under section 15.1-12-11.1.
4. If the school districts fail to reorganize, each district must repay the amount advanced by the superintendent of public instruction under this section, at the time and in the manner determined by the superintendent of public instruction."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1173, as engrossed: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1173 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1244: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1244 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1261, as engrossed: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1261 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to the failure to register a motor vehicle upon becoming employed in this state.

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

**SECTION 1.** A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

**Failure to register upon gainful employment.** A person operating a motor vehicle in violation of subdivision c or e of subsection 2 of section 39-04-18 shall purchase an annual registration for that motor vehicle for a fee that is not discounted from the appropriate amount listed in a table in section 39-04-19. A law enforcement

officer may issue a registration for that vehicle and shall remit the registration fee to the department of transportation. The department shall provide for evidence of registration to be issued by a law enforcement officer enforcing subdivision c or e of subsection 2 of section 39-04-18."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1267, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1267 was placed on the Sixth order on the calendar.

Page 2, line 3, replace "this" with "section 1 of this Act, section 27-20-51, or section 27-20-52"

Page 2, line 4, remove "chapter" and after "eighteen" insert "or no longer attends the school, whichever occurs later"

Page 3, line 23, replace "Juvenile" with "A child's juvenile"

Page 3, line 25, after "enroll" insert "if the court finds that the child appears to present a danger to self or to the students or staff of the school"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1276, as engrossed: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1276 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "An individual granting an" with "The record title owner of the real property subject to the"

Page 1, line 24, after the underscored period insert "If an easement is terminated before the expiration of its stated term, the holder of the easement shall furnish a release of the easement suitable for recording to the record title owner of the real property subject to the easement."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1305, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1305 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1350, as reengrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1350 was placed on the Sixth order on the calendar.

Page 1, line 6, after the first "has" insert "been charged with,", after "to" insert a comma, and remove the second "has"

Page 1, line 7, after "felony" insert "in this state" and remove "from one correctional facility within the"

Page 1, line 8, remove "state to another"

Page 1, line 9, after "officers" insert "or correctional officers" and after the comma insert ""governmental agency" means an agency or department of this state or of any political subdivision of this state, of another state or of a political subdivision of another state, or of the United States."

Page 1, remove lines 10 through 13

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1358, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1358 was placed on the Sixth order on the calendar.

Page 1, line 3, replace the second "subsection" with "subsections 2 and"

Page 12, line 2, remove "and"

Page 12, line 10, remove the overstrike over "~~and~~"

Page 12, line 11, remove the overstrike over "e-", after "~~The~~" insert "If the", remove the overstrike over "~~child is~~" and insert immediately thereafter "of sufficient age and understanding to comprehend the proceedings, the child must be", and remove the overstrike over "~~personally before the court at the provisional hearing~~"

Page 14, line 5, replace "Subsection" with "Subsections 2 and"

Page 14, line 6, replace "is" with "are"

Page 14, after line 6, insert:

- "2. An order of disposition committing a delinquent or unruly child to the division of juvenile services continues in force for not more than two years, excluding any period of time the child is on parole from an institution, or until the child is sooner discharged by an institution.
  - a. The court which made the order may extend its duration for additional two-year periods subject to like discharge, if:
    - (1) A hearing is held upon motion of the division, or on the court's own motion, prior to the expiration of the order;
    - (2) Reasonable notice of the hearing and an opportunity to be heard are given to the child and the parent, guardian, or other custodian; and
    - (3) The court finds that the extension is necessary for the treatment or rehabilitation of the child.
  - b. A permanency hearing must be conducted within thirty days after a court determines that reasonable efforts ~~aggravated circumstances of the type described in subdivisions a, c, d, or e of subsection 2 3 of section 27-20-32.2 are not required~~ 27-20-02 exist, or within twelve months after a child, subject to an order of disposition under this subsection, is considered to have entered foster care, or is continued in foster care following a previous permanency hearing. The permanency hearing may be conducted:
    - (1) By the division of juvenile services as a placement hearing under chapter 27-21; or
    - (2) By the court, if the court requires, or if it appears that an appropriate permanency plan could not be carried out without exceeding the authority of the division of juvenile services."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1385, as engrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1385 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "If" and remove "the"

Page 1, line 9, remove "department proposes to place", overstrike "a child", and overstrike "in an out-of-home treatment program"

Page 1, line 10, overstrike "established under this section," , remove "without the consent of the child's parent or legal guardian,", and overstrike "the"

Page 1, line 11, overstrike "juvenile court must make a judicial determination as to whether the", remove "proposed", and overstrike "placement is in"

Page 1, line 12, overstrike "the best interests of the child."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1401, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1401 was placed on the Sixth order on the calendar.

Page 1, line 18, after the period insert "No written notice or hearing is required if the withdrawal of funds is being made to meet the inmate's child support obligation."

Page 2, after line 17, insert:

"5. This section does not limit or alter the provisions of chapter 14-09 relating to income withholding orders for child support."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1407, as reengrossed: 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). Reengrossed HB 1407 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "legislative council"

Page 1, line 9, replace "legislative council" with "insurance commissioner"

Page 2, line 11, replace "legislative council" with "insurance commissioner"

Page 3, after line 4, insert:

**"SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the insurance regulatory trust fund in the state treasury, not otherwise appropriated, the sum of \$55,000, or so much of the sum as may be necessary, to the insurance commissioner for the purpose of carrying out the provisions of section 1 of this Act, for the biennium beginning July 1, 2001, and ending June 30, 2003."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1410, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1410 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1416, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1416 was placed on the Sixth order on the calendar.

Page 1, line 2, after "chance" insert "; to provide an effective date; and to declare an emergency"

Page 1, line 7, replace "fifty-one" with "fifty-three"

Page 1, after line 14, insert:

**"SECTION 2. EFFECTIVE DATE.** This Act becomes effective on July 1, 2001.

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1455, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1455 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "subsection 1 of section 28-34-01," and remove the second "section"

Page 1, line 4, remove "and appeals from decisions of local"

Page 1, line 5, remove "governing bodies"

Page 1, line 15, remove ", and the provisions of subsection 5 do not apply"

Page 4, line 12, remove "notice of appeal may include a request for de novo review by the district court. If"

Page 4, line 13, remove "there is no request for de novo review, a"

Page 4, after line 27, insert:

7. The findings of fact made by the agency do not sufficiently address the evidence presented to the agency by the appellant.

8. The conclusions of law and order of the agency do not sufficiently explain the agency's rationale for not adopting any contrary recommendations by a hearing officer or an administrative law judge.

Page 4, remove lines 30 and 31

Page 5, remove lines 1 through 5

Page 5, line 14, after the third comma insert "the tax commissioner,"

Page 5, line 31, overstrike "An agency may request"

Page 6, overstrike lines 1 and 2

Page 6, remove lines 3 through 18

Page 6, line 19, replace "4" with "3"

Page 6, line 22, replace "5" with "4"

Page 7, line 1, replace "6" with "5"

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3017: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3017 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3026, as engrossed: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3026 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3036: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3036 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3054: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3054 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3061: 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). HCR 3061 was placed on the Sixth order on the calendar.

Page 1, line 1, after "resolution" replace the remainder of the resolution with "directing the Legislative Council to study the delivery of elementary and secondary education during the ensuing 5, 10, and 20 years, with emphasis on a review of the current school district structure, reorganization options, the potential for creating alternate administrative units, and the equitable distribution of state aid to school districts and to obtain the information necessary for this study through a variety of means, including testimony from school district superintendents and business managers.

**WHEREAS**, elementary and secondary education has long been valued in this state; and

**WHEREAS**, declining enrollment has necessitated changes in the way elementary and secondary education is delivered; and

**WHEREAS**, anticipated demographic changes in the ensuing 5, 10, and 20 years will contribute to fundamental changes in the delivery and organizational structure of elementary and secondary education; and

**WHEREAS**, issues of local versus state control in the delivery and organizational structure of elementary and secondary education need to be addressed; and

**WHEREAS**, regardless of the demographic changes and the structural changes, the state role in funding elementary and secondary education will continue to be significant; and

**WHEREAS**, the state has an obligation to ensure an equitable system for the funding of elementary and secondary education;

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

That the Legislative Council study the delivery of elementary and secondary education during the ensuing 5, 10, and 20 years, with emphasis on a review of the current school district structure, reorganization options, the potential for creating alternate administrative units, and the equitable distribution of state aid to school districts and obtain the information necessary for this study through a variety of means, including testimony from school district superintendents and business managers; and

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3067: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3067 was placed on the Tenth order on the calendar.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sen. T. Mathern and Reps. Keiser, S. Kelsh introduced:

(Approved by the Delayed Bills Committee)

**SCR 4049:** A concurrent resolution directing the Legislative Council to study limiting actions for lead-based paint claims.

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

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

**WILLIAM R. HORTON, Secretary**

