

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, February 10, 2003

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

The prayer was offered by Senator Robinson.

The roll was called and all members were present except Senators Bercier, Flakoll, Mutch, Traynor, and Trenbeath.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2307: SEN. WARDNER (Finance and Taxation Committee) MOVED that the amendments on SJ page 271 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2160: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ pages 269-270 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2222: SEN. NICHOLS (Finance and Taxation Committee) MOVED that the amendments on SJ page 270 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2125: SEN. LYSON (Natural Resources Committee) MOVED that the amendments on SJ page 268 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2330: SEN. FAIRFIELD (Human Services Committee) MOVED that the amendments on SJ page 271 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2367: SEN. NICHOLS (Finance and Taxation Committee) MOVED that the amendments on SJ page 272 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that after action taken on the Sixth order, SB 2407 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2407: SEN. NETHING (Transportation Committee) MOVED that the amendments on SJ pages 272-273 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2407: A BILL for an Act to amend and reenact section 39-12-05.3 of the North Dakota Century Code, relating to weight limitations on vehicles.

ROLL CALL

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

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson;

Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor; Trenbeath

Engrossed SB 2407 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that the Senate proceed to the Eleventh order, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2263 be moved to the bottom of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2044: A BILL for an Act to amend and reenact subdivision p of subsection 4 of section 12.1-32-07 and section 12.1-32-08 of the North Dakota Century Code, relating to the collection of restitution for insufficient funds checks; and to provide for a continuing appropriation.

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 32 YEAS, 11 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Brown; Christmann; Cook; Dever; Erbele; Espesgard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Nelson; Nething; Nichols; Polovitz; Seymour; Syverson; Tallackson; Taylor; Tollefson; Urlacher; Wardner

NAYS: Bowman; Christenson; Fairfield; Krauter; Lindaas; Mathern; O'Connell; Robinson; Schobinger; Stenehjem; Thane

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor; Trenbeath

SB 2044 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2323: A BILL for an Act to create and enact two new sections to chapter 20.1-08 of the North Dakota Century Code, relating to the governor's authority to restrict cervidae carcass imports due to chronic wasting disease and the governor's authority to declare an animal health emergency; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espesgard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor; Trenbeath

SB 2323 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2081: A BILL for an Act to create and enact a new section to chapter 19-18 of the North Dakota Century Code, relating to experimental use permits; to amend and reenact section 4-35-06 of the North Dakota Century Code, relating to restricted use pesticides;

and to repeal section 4-35-07 of the North Dakota Century Code, relating to experimental use permits.

ROLL CALL

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

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor; Trenbeath

SB 2081 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2230: A BILL for an Act to amend and reenact subsection 3 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis deer hunting licenses.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 39 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Erbele; Polovitz

NAYS: Bowman; Brown; Christenson; Christmann; Cook; Dever; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Tollefson; Traynor; Trenbeath

SB 2230 lost.

SECOND READING OF SENATE BILL

SB 2391: A BILL for an Act to create and enact a new section to chapter 39-10.1 of the North Dakota Century Code, relating to the registration of bicycles; and to amend and reenact sections 39-10.1-01, 39-10.1-05, and 39-10.1-07 of the North Dakota Century Code, relating to the operation of bicycles.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 42 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

NAYS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Espegard; Mutch; Traynor; Trenbeath

SB 2391 lost.

REQUEST

SEN. ESPEGARD REQUESTED that the record show he intended to vote NAY on SB 2391, which request was granted.

SECOND READING OF SENATE BILL

SB 2273: A BILL for an Act to create and enact a new section to chapter 20.1-06 of the North Dakota Century Code, relating to the designation of trout lakes.

ROLL CALL

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

NAYS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor; Trenbeath

SB 2273 lost.

SECOND READING OF SENATE BILL

SB 2292: A BILL for an Act to amend and reenact section 35-20-17 of the North Dakota Century Code, relating to landlord's mobile home liens.

ROLL CALL

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

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor; Trenbeath

SB 2292 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2382: A BILL for an Act to amend and reenact subsection 10 of section 20.1-03-11 of the North Dakota Century Code, relating to nonresident deer bow hunting licenses.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 42 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Thane

NAYS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor; Trenbeath

SB 2382 lost.

SECOND READING OF SENATE BILL

SB 2279: A BILL for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, related to elk management.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 32 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Cook; Dever; Espegard; Fairfield; Fischer; Grindberg; Lee, J.; Nelson; Nichols; Robinson; Thane

NAYS: Andrist; Bowman; Brown; Christenson; Christmann; Erbele; Every; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lindaas; Lyson; Mathern; Nething; O'Connell; Polovitz; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor; Trenbeath

SB 2279 lost.

SECOND READING OF SENATE BILL

SB 2385: A BILL for an Act to create and enact two new sections to chapter 4-38 of the North Dakota Century Code, relating to organic food standards; to amend and reenact section 4-38-02 of the North Dakota Century Code, relating to certifying agents; to repeal sections 4-38-01, 4-38-03, 4-38-04, 4-38-05, and 4-38-06 of the North Dakota Century Code, relating to organic food standards; and to provide a penalty.

ROLL CALL

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

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor; Trenbeath

SB 2385 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2388: A BILL for an Act to amend and reenact sections 40-57-02, 40-57-03, 40-57-04, 40-57-04.1, and 40-57-05 of the North Dakota Century Code, relating to municipal industrial development bonds.

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 39 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

NAYS: Fairfield; Heitkamp; Krauter; Stenehjem

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor; Trenbeath

SB 2388 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2417: A BILL for an Act providing an appropriation for defraying the expenses of the Office of Attorney General for prosecution witness fee expenses incurred by cities and counties; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor; Trenbeath

SB 2417 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2263: A BILL for an Act to create and enact a new subsection to section 26.1-39-05 of the North Dakota Century Code, relating to the amount of loss covered in an insurance policy; and to amend and reenact section 26.1-39-04 of the North Dakota Century Code, relating to fire insurance indemnity measures.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 42 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Thane

NAYS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Tollefson; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Mutch; Traynor; Trenbeath

SB 2263 lost.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2063, SB 2143, SB 2260, SB 2312, SB 2340, SB 2365, SB 2378, SB 2383, SB 2384.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2261.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1035, HB 1213, HB 1235, HB 1270, HB 1294, HB 1295, HB 1306, HB 1312, HB 1378.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1215.

MOTION

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

MOTION

SEN. CHRISTMANN 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 11, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2018: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2018 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "3,437,065" with "3,408,898"

Page 1, line 13, replace "5,671,315" with "5,643,148"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2018 - Seed Department - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$3,437,065	(\$28,167)	\$3,408,898
Operating expenses	1,664,250		1,664,250
Capital assets	70,000		70,000
Grants	200,000		200,000
Contingencies	<u>300,000</u>		<u>300,000</u>
Total all funds	\$5,671,315	(\$28,167)	\$5,643,148
Less estimated income	<u>5,671,315</u>	<u>(28,167)</u>	<u>5,643,148</u>
General fund	\$0	\$0	\$0
FTE	32.00	0.00	32.00

Dept. 616 - Seed Department - Detail of Senate Changes

	REMOVES RECOMMENDED SALARY INCREASE ¹	TOTAL SENATE CHANGES
Salaries and wages	(\$28,167)	(\$28,167)
Operating expenses		
Capital assets		
Grants		
Contingencies		
Total all funds	(\$28,167)	(\$28,167)
Less estimated income	<u>(28,167)</u>	<u>(28,167)</u>
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums.

Senate Bill No. 2018 - Other Changes - Senate Action

This amendment retains full funding of employee health insurance coverage as provided for in the executive budget recommendation.

REPORT OF STANDING COMMITTEE

SB 2076: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2076 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2085, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2085 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2167: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2167 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 provide for a legislative council study of the workers compensation bureau's treatment of after-acquired medical evidence.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY - WORKERS COMPENSATION BUREAU TREATMENT OF AFTER-ACQUIRED MEDICAL EVIDENCE. During the 2003-04 interim, the legislative council shall consider studying the equity of the current system for how the workers compensation bureau treats after-acquired medical evidence in determining an injured worker's eligibility for benefits. If the study is selected by the legislative council, the legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2223: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2223 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "Criminal" with "Federal bureau of investigation criminal" and remove "when"

Page 1, line 10, replace "received" with "obtained" and replace "not a public record subject to section 44-04-18 and section 6 of" with "confidential"

Page 1, line 11, remove "article XI of the Constitution of North Dakota"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2224: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2224 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2246: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). SB 2246 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2255: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2255 was placed on the Sixth order on the calendar.

Page 2, line 11, replace "telephone solicitor" with "subscriber"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2266: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2266 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2298: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2298 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "provide for registration of professional employer organizations; and to"

Page 1, line 3, replace "professional employer organizations" with "staffing services"

Page 1, remove lines 5 through 24

Page 2, remove lines 1 through 10

Page 2, line 24, remove the overstrike over "~~client company~~"

Page 2, line 25, remove the overstrike over "~~or~~"

Page 2, line 26, replace "be in" with "include" and remove "sole"

Page 3, line 2, overstrike "an employee of" and after "service" insert "or that contracts to lease any or all of that person's employees from a staffing service"

Page 3, line 3, remove "Professional employer organization" means a staffing service that is in the"

Page 3, remove line 4

Page 3, line 5, remove "c."

Page 3, line 7, remove "a"

Page 3, replace line 8 with "organizations' staff leasing companies, employee leasing organizations, and temporary staffing companies. The term "staffing service" must be broadly construed to encompass entities that offer services provided by a professional employer organization, staff leasing company, employee leasing organization, or temporary staffing company regardless of the term used.

- (1) Within the meaning of staffing service as used in this section, "temporary staffing," or "temporary staffing service" means an arrangement by which an employer hires its own employees and assigns the employees to a client company to support or supplement the client company's workforce in a special work situation including:
 - (a) An employee absence;
 - (b) A temporary skill shortage;
 - (c) A seasonal workload; or
 - (d) A special assignment or project with a targeted end date.
- (2) The term does not include arrangements in which the majority of the client company's workforce has been assigned by a temporary staffing service for a period of more than twelve consecutive months."

Page 3, remove line 9

Page 3, line 10, after "4." insert "A staffing service that provides only temporary staffing services is the employee's employer. The temporary staffing service shall maintain a workers' compensation account in the temporary staffing service's name and report the wages for those workers annually to the bureau. All other staffing services shall:

- a. Report annually the payroll detail for each North Dakota client company.
- b. Maintain complete and separate records of the payroll of the staffing service's client companies. Claims must be separately identified by the staffing service for each client company.
- c. Share employer responsibilities with the client company, including retention of the authority to hire, terminate, discipline, and reassign employees. If the contractual agreement between a staffing service and a client company is terminated, the employees become the sole employees of the client company.
- d. Notify the bureau of the client company's name, workers' compensation account number, and the date the staffing service

began providing services to the client company. The staffing service shall provide this information upon entering an agreement with a client company, but no later than fifteen days from the effective date of the written agreement.

- e. Supply the bureau with a copy of the agreement between the staffing service and client company.
 - f. Notify the bureau upon termination of any agreement with a client company, but no later than fifteen days from the effective date of termination.
 - g. Notify the staffing service's client companies of an "uninsured" status for failure to pay workers' compensation premiums within fifteen days of notice by the bureau.
5. A staffing service that provides both temporary and long-term employees is subject to the reporting requirements associated with the type of employee provided to the client company.
6. a. The bureau shall maintain all employer data for each client company requiring coverage under this title. If a client company enters an agreement with a staffing service, the bureau shall generate a master billing for the staffing service detailing the staffing service's client companies.
- b. Rate classifications for employees provided by a staffing service must be those which would apply as if the work were performed by the employees of the client company. A client company is eligible for bureau safety discount and dividend programs. If a client company enters an agreement with a staffing service, the client company shall retain the client company's experience rate, if applicable.
- c. Both a staffing service and client company under this section are considered employers for purposes of section 65-04-26.1. A staffing service that provides employees to a client company that has been determined to be uninsured or ineligible for coverage under sections 65-04-27.1 and 65-04-33 may not secure workers' compensation coverage for those employees.
7. a. The bureau shall determine whether an entity is a staffing service. If the bureau determines an entity is a staffing service, the bureau may further determine if the entity is a temporary staffing service. In rendering either determination, the bureau may issue a decision under section 65-04-32. If the bureau determines an entity is not a staffing service, the client company shall maintain a workers' compensation account and pay the premium for coverage of the employees.
- b. The factors the bureau may consider in determining whether an entity is a staffing service include the number of client companies handled by the staffing service, the length of time the staffing service has been in existence, the extent to which the staffing service extends services to the general public, the degree to which the client company and staffing service are separate and unrelated business entities, the repetition of officers or managers between the client company and staffing service, and the extent to which a client company has an ownership or other interest in the staffing service. The bureau also may consider the scope of the services provided by the staffing service, the relationship between the staffing service and the client company's workers, the written agreement between the staffing service and the client company, and any other factor deemed relevant by the bureau.
- c. The bureau may require information from any staffing service, including a list of current client company accounts, staffing assignments, payroll information, and rate classification information. A client company shall provide any information requested by the bureau regarding any staffing service.

Page 3, line 12, remove "Rules adopted by the"

Page 3, remove lines 13 and 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2306: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (3 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2306 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to provide for a state policy against discrimination;"; after the third comma insert "and", and remove ", and"

Page 1, line 2, remove "14-02.11"

Page 1, after line 5, insert:

"SECTION 1. State policy against discrimination. It is the policy of this state to prohibit discrimination on the basis of race, color, religion, sex, national origin, age, the presence of any mental or physical disability, status with regard to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer; to prevent and eliminate discrimination in employment relations, public accommodations, housing, state and local government services, and credit transactions; and to deter those who aid, abet, or induce discrimination or coerce others to discriminate."

Page 1, line 10, replace "means a chronological age of at least eighteen years" with "insofar as it refers to any prohibited unfair employment or other practice means at least forty years of age"

Page 1, line 16, remove "of an"

Page 1, line 17, remove "individual's", replace "and includes" with a comma, and replace the second "and" with ", or"

Page 1, line 18, remove "The term also means a mental impairment or"

Page 1, remove lines 19 and 20

Page 1, line 21, after "7." insert "'Discriminatory practice" means an act or attempted act which because of race, color, religion, sex, national origin, age, physical or mental disability, status with regard to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours results in the unequal treatment or separation or segregation of any individual, or denies, prevents, limits, or otherwise adversely affects, or if accomplished would deny, prevent, limit, or otherwise adversely affect, the benefit of enjoyment by any individual of employment, labor union membership, public accommodations, public services, or credit transactions. The term "discriminate" includes segregate or separate and for purposes of discrimination based on sex, includes sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature when:

- a. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, or education;
- b. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or
- c. That conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations, public services, or educational environment; and in the case of employment, the employer is responsible for its acts and those of its supervisory employees if it knows or should know of the

existence of the harassment and fails to take timely and appropriate action.

8."

Page 1, line 22, replace "8." with "9."

Page 1, after line 23, insert:

- "10. "Otherwise qualified person" means an individual who is capable of performing the essential functions of the particular employment in question.
11. "Person" means an individual, partnership, association, corporation, limited liability company, unincorporated organization, mutual company, joint stock company, trust, agent, legal representative, trustee, trustee in bankruptcy, receiver, labor organization, public body, public corporation, and the state and a political subdivision and agency thereof.
12. "Reasonable accommodations" means accommodations by an employer that do not:
 - a. Unduly disrupt or interfere with the employer's normal operations;
 - b. Threaten the health or safety of the individual with a disability or others;
 - c. Contradict a business necessity of the employer; or
 - d. Impose undue hardship on the employer, based on the size of the employer's business, the type of business, the financial resources of the employer, and the estimated cost and extent of the accommodation."

Page 2, line 1, replace "9." with "13."

Page 2, line 4, replace "10." with "14."

Page 2, line 6, replace "11." with "15."

Page 8, line 27, after the period insert "If the commission finds that the complainant's allegation of a discriminatory practice is false and not made in good faith, the commission shall order the complainant to pay costs and reasonable attorney's fees incurred by the respondent in responding to the allegation."

Page 12, replace lines 5 through 30 with:

- "1. "Employee" means an individual who performs services for an employer who employs one or more individuals for compensation, whether in the form of wages, salaries, commission, or otherwise. "Employee" does not include an individual elected to public office in the state or political subdivision by the qualified voters thereof, or an individual chosen by the officer to be on the officer's political staff, or an appointee on the policymaking level or an immediate advisor with respect to the exercise of the constitutional or legal powers of the office. "Employee" does include an individual subject to the civil service or merit system or civil service laws of the state government, governmental agency, or a political subdivision.
2. "Employer" means a person within the state who employs one or more employees for more than one quarter of the year and a person wherever situated who employs one or more employees whose services are to be partially or wholly performed in the state.
3. "Employment agency" means a person regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunity to work for an employer and includes any agent of the person.
4. "Labor organization" mean a person, employee representation committee, plan in which employees participate, or other organization which exists solely or in part for the purpose of dealing with employers concerning

grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment."

Page 13, remove lines 1 and 2

Page 13, line 3, remove "or unfair"

Page 13, replace lines 4 through 31 with:

- "1. It is a discriminatory practice for:
 - a. An employer to fail or refuse to hire an individual; to discharge an employee; or to accord adverse or unequal treatment to an individual or employee with respect to application, hiring, training, apprenticeship, tenure, promotion, upgrading, compensation, layoff, or a term, privilege, or condition of employment, because of race, color, religion, sex, national origin, age, physical or mental disability, status with respect to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours which is not in direct conflict with the essential business-related interests of the employer. It is a discriminatory practice for an employer to fail or refuse to make reasonable accommodations for an otherwise qualified individual with a physical or mental disability or because of that individual's religion. This chapter does not prohibit compulsory retirement of any employee who has attained sixty-five years of age, but not seventy years of age, and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policy making position, if the employee is entitled to an immediate nonforfeiture annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of those plans, of the employer of the employee, which equal, in the aggregate, at least forty-four thousand dollars.
 - b. An employment agency to accord adverse or unequal treatment to an individual in connection with an application for employment, referral, or request for assistance in procurement of employees because of race, color, religion, sex, national origin, age, physical or mental disability, or status with respect to marriage or public assistance; or to accept a listing of employment on that basis.
 - c. A labor organization to deny full and equal membership rights to an applicant for membership or to a member; to expel, suspend, or otherwise discipline a member; or to accord adverse, unlawful, or unequal treatment to an individual with respect to the individual's hiring, apprenticeship, training, tenure, compensation, upgrading, layoff, or a term or condition of employment because of race, color, religion, sex, national origin, age, physical or mental disability, or status with respect to marriage or public assistance.
 - d. A person to conceal unlawful discrimination or aid, abet, compel, coerce, incite, or induce another person to discriminate, or by means of trick, artifice, advertisement, or sign, or by the use of a form of application, or the making of a record or inquiry, or by use of any device to bring about or facilitate discrimination, or to engage in or threaten to engage in a reprisal, economic or otherwise, against an individual by reason of the latter's filing a complaint, testifying, or assisting in the observance and support of the purpose and provisions of this chapter because of race, color, religion, sex, national origin, age, physical or mental disability, status with respect to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours.
 - e. An employer, employment agency, or labor organization, or the employees, agents, or members thereof directly or indirectly to advertise or in any other manner indicate or publicize that individuals of a particular race, physical, religion, sex, national origin, age, physical or mental disability, or status with respect to marriage or public assistance, or who participate in lawful activity off the employer's premises during nonworking hours which activity is not in direct

conflict with the essential business-related interests of the employer, are unwelcome, objectionable, not acceptable, or not solicited.

- f. An employer to fail or refuse to hire and employ an individual for a position, for an employer to discharge an individual from a position, or for an employment agency to fail or refuse to refer an individual for employment in a position, or for a labor organization to fail or refuse to refer an individual for employment in a position if the occupancy of the position, or access to the premises upon which the duties of the position are performed, is subject to a requirement imposed in the interest of the national security of the United States under a security program administered under a statute of the United States or an executive order of the president and the individual has not fulfilled or has ceased to fulfill that requirement.
2. Notwithstanding subdivisions a, b, and c of subsection 1, it is not a discriminatory practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations provided that the differences are not the result of an intention to discriminate because of race, color, religion, sex, national origin, age, physical or mental disability, status with respect to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours; or for an employer to give and to act upon the results of any professionally developed ability test; provided, that the test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, national origin, age, physical or mental disability, status with respect to marriage or public assistance, or participation in a lawful activity off the employer's premises during nonworking hours.
 3. Subsection 1 does not apply to business policies or practices relating to the employment of an individual by the individual's parent, grandparent, spouse, child, or grandchild, or in the domestic service of an individual.
 4. The employment of one individual in place of another, standing by itself, is not evidence of a discriminatory practice.
 5. After a conditional offer of employment, it is not discriminatory practice for an employer, employment agency, or labor organization to:
 - a. Require an individual to undergo physical examination for the purpose of determining the individual's capability to perform the essential functions of the job with or without reasonable accommodations if every entering employee in the same job category is subjected to the examination; or
 - b. Conduct an investigation as to the individual's medical history for the purpose of determining the individual's capability to perform available employment if every entering employee in the same job category is subjected to the investigation.
 6. Medical history obtained under this section must be collected and maintained separate from nonmedical information and must be kept confidential.
 7. The provisions of subsection 1 do not repeal or modify a federal, state, or local statute, regulation, or ordinance creating special rights or preference for veterans."

Page 14, remove lines 1 through 31

Page 15, remove lines 1 through 31

Page 16, remove lines 1 through 30

Page 17, remove lines 1 through 19

Page 17, line 21, remove "or unfair"

Page 18, line 2, remove "or unfair"

Page 18, line 5, remove "or unfair"

Page 18, line 11, replace "six months" with "three hundred days"

Page 18, line 12, remove "or unfair"

Page 18, replace lines 14 through 27 with:

"14-02.8-05. Relief. If the commission, as the result of an administrative hearing, or the court determines that the respondent has engaged in or is engaging in a discriminatory practice, the commission or the court may enjoin the respondent from engaging in the unlawful practice and order appropriate relief, which may include temporary or permanent injunctions, equitable relief, and backpay limited to no more than two years from the date a minimally sufficient complaint was filed with the commission or the court. Interim earnings or amounts earnable with reasonable diligence by the individual discriminated against reduce the backpay otherwise allowable. In any action or proceeding under this chapter, the court may grant the prevailing party a reasonable attorney's fee as part of the cost. If the court finds that the complainant's allegation of a discriminatory practice is false and not made in good faith, the court shall order the complainant to pay court costs and reasonable attorney's fees incurred by the respondent in responding to the allegation."

Page 19, after line 3, insert:

2. "Complainant" means a person, including the commission, that files a complaint under this chapter.
3. "Conciliation agreement" means a written agreement resolving the issues in conciliation."

Page 19, line 4, replace "2." with "4."

Page 19, after line 4, insert:

5. "Discriminatory housing practice" means an act prohibited by section 14-02.9-02 or conduct that is an offense under section 14-02.9-04."

Page 19, line 5, replace "3." with "6."

Page 19, after line 11, insert:

7. "Family" includes a single individual."

Page 19, line 12, replace "4." with "8." and replace "building, structure, vacant land, or part thereof offered for" with "structure or part of a structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families or vacant land that is offered for sale or lease for the construction or location of a structure or part of a structure as previously described."

Page 19, remove lines 13 through 15

Page 19, line 16, replace "5." with "9."

Page 19, replace lines 22 through 31 with:

10. "To rent" includes to lease, sublease, or let, or to grant in any other manner, for a consideration, the right to occupy premises not owned by the occupant.

14-02.9-02. Discriminatory housing practices prohibited.

1. It is a discriminatory housing practice:
 - a. For any person to refuse to sell or rent, after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or in any other manner make unavailable or deny a dwelling to an individual because

of race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance;

- b. For any person to discriminate against an individual in the terms, conditions, or privileges of sale or rental of a dwelling or in providing services or facilities in connection with a sale or rental of a dwelling because of race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance;"

Page 20, remove lines 1 through 31

Page 21, remove lines 1 through 6

Page 21, line 7, replace "d." with "c."

Page 21, remove lines 13 through 30

Page 22, line 1, replace "g." with "d."

Page 22, line 10, replace "h." with "e."

Page 22, line 17, replace "i." with "f."

Page 22, line 22, replace "j." with "g."

Page 22, remove lines 27 and 28

Page 22, line 29, replace "3." with "2."

Page 23, remove lines 9 through 11

Page 23, line 12, replace "5." with "3."

Page 23, replace lines 16 through 31 with:

- "4. This chapter does not affect a reasonable local or state restriction on the maximum number of occupants permitted to occupy a dwelling or a restriction relating to health or safety standards. This chapter does not affect a requirement of nondiscrimination in any other state or federal law.
- 5. a. The provisions of this chapter relating to familial status and age do not apply to housing that the secretary of housing and urban development determines is specifically designed and operated to assist elderly individuals under a federal program; the commission determines is specifically designed and operated to assist elderly individuals under a state program; is intended for, and solely occupied by, individuals sixty-two years of age or older; or is intended and operated for occupancy by at least one individual fifty-five years of age or older for each unit as determined by commission rules. In determining whether housing qualifies as housing for elderly because it is intended and operated for occupancy by at least one individual fifty-five years of age or older for each unit, the commission shall adopt rules that require at least the following factors:
 - (1) That at least eighty percent of the units are occupied by at least one individual fifty-five years of age or older per unit; and
 - (2) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for individuals fifty-five years of age or older.
- b. Housing may not be considered to be in violation of the requirements for housing for the elderly under this section by reason of:
 - (1) Individuals residing in the housing as of October 1, 1999, who do not meet the age requirements of this section, provided that new occupants of the housing meet the age requirements; or

- (2) Unoccupied units, provided that the units are reserved for occupancy by individuals who meet the age requirements of this section.
6. This section does not apply to the sale or rental of a single-family house sold or rented by the owner if the owner does not own more than three single-family houses at any one time or own any interest in, nor is there owned or reserved on the person's behalf, under any express or voluntary agreement, title to or any right to any part of the proceeds from the sale or rental of more than three single-family houses at any one time. In addition, the house must be sold or rented without the use of the sales or rental facilities or services of a licensed real estate broker, agent, or realtor, or of a person in the business of selling or renting dwellings, or of an employee or agent of any such broker, agent, realtor, or person; or the publication, posting, or mailing of a notice, statement, or advertisement prohibited by this chapter. The exemption provided in this subsection applies only to one sale or rental in a twenty-four-month period, if the owner was not the most recent resident of the house at the time of the sale or rental. For the purposes of this subsection, a person is in the business of selling or renting dwellings if the person:
- a. Within the preceding twelve months, has participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest in a dwelling;
 - b. Within the preceding twelve months, has participated as agent, other than in the sale of the person's own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest in a dwelling; or
 - c. Is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.
7. This section does not apply to the sale or rental of the rooms or units in a dwelling containing living quarters occupied by or intended to be occupied by not more than four families living independently of each other, if the owner maintains and occupies one of the living quarters as the owner's residence.
8. This section does not prohibit discrimination against an individual because the individual has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.
9. Nothing in this chapter prevents a person from refusing to rent a dwelling to two unrelated individuals of opposite gender who are not married to each other."

Page 24, remove lines 1 through 31

Page 25, remove lines 1 through 30

Page 26, remove lines 1 through 9

Page 26, line 10, replace "**Unfair or discriminatory**" with "**Discriminatory**"

Page 26, line 12, replace "It is an unfair or discriminatory housing practice and prohibited:" with "A person may not"

Page 26, line 13, remove "a. For any person to" and remove the second "to"

Page 26, line 18, replace "b. For any person to" with:

"2. A person may not"

Page 26, line 24, replace "2." with "3."

Page 27, line 18, replace "3." with "4."

Page 27, line 21, replace "2" with "3"

Page 27, line 22, replace "4." with "5." and replace "2" with "3"

Page 27, line 24, replace "5." with "6."

Page 27, line 28, replace "6." with "7."

Page 28, replace lines 1 through 30 with:

"14-02.9-04. Intimidation or interference - Penalty.

1. A person commits an offense if the person, without regard to whether the person is acting under color of law, by force or threat of force, intentionally intimidates or interferes with an individual:
 - a. Because of the individual's race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance and because the individual is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling or applying for or participating in a service, organization, or facility relating to the business of selling or renting dwellings; or
 - b. Because the individual is or has been or to intimidate the individual from participating, without discrimination because of race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance, in an activity, service, organization, or facility described by subdivision a; affording another individual opportunity or protection to so participate; or lawfully aiding or encouraging other individuals to participate, without discrimination because of race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance, in any activity, service, organization, or facility described in subdivision a.
2. It is a discriminatory practice to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of the individual having exercised or enjoyed, or on account of the individual having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this chapter.
3. An offense under subsection 1 is a class A misdemeanor.

14-02.9-05. Reports and studies. The commission shall publish in even-numbered years a written report recommending legislative or other action to carry out the purposes of this chapter. The commission shall make studies relating to the nature and extent of discriminatory housing practices in this state.

14-02.9-06. Cooperation with other entities. The commission shall cooperate with and may provide technical and other assistance to federal, state, local, and other public or private entities that are designing or operating programs to prevent or eliminate discriminatory housing practices.

14-02.9-07. Gifts and grants - Fair housing fund - Continuing appropriation. The commission may accept grants from the federal government for administering this chapter. Grants received must be deposited to the credit of the fair housing fund in the state treasury. Moneys deposited to the credit of the fund are appropriated to the commission on a continuing basis for the purposes of administering this chapter.

14-02.9-08. Complaint and answer.

1. The commission shall investigate complaints of alleged discriminatory housing practices. An aggrieved person may file a complaint with the commission alleging the discriminatory housing practice. The commission may file a complaint. A complaint must be in writing and must contain such information and be in such form as prescribed by the commission. A complaint must be filed on or before the first anniversary of the date the alleged discriminatory housing practice occurs or terminates, whichever is later. A complaint may be amended at any time.

2. On the filing of a complaint, the commission shall give the aggrieved person notice that the complaint has been received, advise the aggrieved person of the time limits and choice of forums under this chapter, and not later than the tenth day after the date of filing of the complaint or the identification of an additional or substitute respondent under section 14-02.9-10, serve on each respondent a notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent under this chapter and a copy of the original complaint.
3. Not later than the tenth day after the date of receipt of the notice and copy of the complaint under subsection 2, a respondent may file an answer to the complaint. An answer must be in writing, under oath, and in the form prescribed by the commission.
4. An answer may be amended at any time. An answer does not inhibit the investigation of a complaint.

14-02.9-09. Investigation.

1. If the federal government has referred a complaint to the commission or has deferred jurisdiction over the subject matter of the complaint to the commission, the commission shall investigate the allegations set forth in the complaint.
2. The commission shall investigate all complaints and, except as provided by subsection 3, shall complete an investigation not later than the hundredth day after the date the complaint is filed or, if it is impracticable to complete the investigation within the hundred-day period, shall dispose of all administrative proceedings related to the investigation not later than the first anniversary after the date the complaint is filed.
3. If the commission is unable to complete an investigation within the time periods prescribed by subsection 2, the commission shall notify the complainant and the respondent in writing of the reasons for the delay.

14-02.9-10. Additional or substitute respondent. The commission may join a person not named in the complaint as an additional or substitute respondent if during the investigation the commission determines that the person is alleged to be engaged, to have engaged, or to be about to engage in the discriminatory housing practice upon which the complaint is based. In addition to the information required in the notice under subsection 2 of section 14-02.9-08, the commission shall include in a notice to a respondent joined under this section the reasons for the determination that the person is properly joined as a respondent.

14-02.9-11. Temporary or preliminary relief. The commission may authorize a claim for relief for temporary or preliminary relief pending the final disposition of a complaint if the commission concludes after the filing of the complaint that prompt judicial action is necessary to carry out the purposes of this chapter. On receipt of the commission's authorization, the attorney general shall promptly file the claim. A temporary restraining order or other order granting preliminary or temporary relief under this section is governed by the applicable statutes and the North Dakota Rules of Civil Procedure. The filing of a claim for relief under this section does not affect the initiation or continuation of administrative proceedings under section 14-02.9-19.

14-02.9-12. Investigative report. The commission shall prepare a final investigative report, including the names of and dates of contacts with witnesses, a summary of correspondence and other contacts with the aggrieved person and the respondent showing the dates of the correspondence and contacts, a summary description of other pertinent records, a summary of witness statements, and answers to interrogatories. A final report under this section may be amended if additional evidence is discovered.

14-02.9-13. Reasonable cause determination.

1. The commission shall determine from the facts whether reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur. The commission shall make this determination not later than the hundredth day after the date a complaint is filed unless making the

determination is impracticable, or the commission approves a conciliation agreement relating to the complaint.

2. If making the determination within the period is impracticable, the commission shall give in writing to the complainant and the respondent the reasons for the delay. If the commission determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the commission shall, except as provided by section 14-02.9-15, immediately issue a charge on behalf of the aggrieved person.

14-02.9-14. Charge.

1. A charge issued under section 14-02.9-13 must consist of a short and plain statement of the facts on which the commission finds reasonable cause to believe that a discriminatory housing practice has occurred or is about to occur, must be based on the final investigative report, and is not limited to the facts or grounds alleged in the complaint.
2. Within three days after issuing a charge, the commission shall send a copy of the charge with information about the election under section 14-02.9-18 to each respondent and each aggrieved person on whose behalf the complaint was filed.

14-02.9-15. Land-use law. If the commission determines that the matter involves the legality of a state or local zoning or other land-use law or ordinance, the commission may not issue a charge and shall immediately refer the matter to the attorney general for appropriate action.

14-02.9-16. Dismissal. If the commission determines that no reasonable cause exists to believe that a discriminatory housing practice that is the subject of a complaint has occurred or is about to occur, the commission shall promptly dismiss the complaint. The commission shall make public disclosure of each dismissal.

14-02.9-17. Pending civil trial. The commission may not issue a charge alleging a discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved party under federal or state law seeking relief with respect to that discriminatory housing practice.

14-02.9-18. Election of judicial determination. A complainant, a respondent, or an aggrieved person on whose behalf a complaint was filed may elect to have the claims asserted in the charge decided in a civil action as provided by section 14-02.9-24. The election must be made not later than the twentieth day after the date the person having the election receives service under subsection 2 of section 14-02.9-14 or, in the case of the commission, not later than the twentieth day after the date the charge is issued. The person making the election shall give notice to the commission and to all other complainants and respondents to whom the charge relates.

14-02.9-19. Administrative hearing. If a timely election is not made under section 14-02.9-18, the commission shall provide for a hearing on the charge. Except as provided in this section, chapter 28-32 governs a hearing and an appeal of a hearing. A hearing under this section on an alleged discriminatory housing practice may not continue after the beginning of the trial of a claim for relief commenced by the aggrieved person under federal or state law seeking relief with respect to the discriminatory housing practice.

14-02.9-20. Administrative penalties.

1. If the commission determines at a hearing under section 14-02.9-19 that a respondent has engaged in or is about to engage in a discriminatory housing practice, the commission may order the appropriate relief, including actual damages, reasonable attorney's fees, court costs, and other injunctive or equitable relief.
2. To vindicate the public's interest, the commission may assess a civil penalty against the respondent in an amount that does not exceed:
 - a. Eleven thousand dollars if the respondent has been found by order of the commission or a court to have committed a prior discriminatory housing practice; or

- b. Except as provided by subsection 3, twenty-seven thousand dollars if the respondent has been found by order of the commission or a court to have committed one other discriminatory housing practice during the five-year period ending on the date of the filing of the charges and fifty-five thousand dollars if the respondent has been found by the commission or a court to have committed two or more discriminatory housing practices during the seven-year period ending on the date of filing of the charge.
3. If the acts constituting the discriminatory housing practice that is the object of the charge are committed by the same individual who has previously been found to have committed acts constituting a discriminatory housing practice, the civil penalties in subdivision b of subsection 2 may be imposed without regard to the period of time within which any other discriminatory housing practice occurred.
4. At the request of the commission, the attorney general shall sue to recover a civil penalty due under this section. Funds collected under this section must be paid to the state treasurer for deposit in the general fund.

14-02.9-21. Effect of commission order. A commission order under section 14-02.9-20 does not affect a contract, sale, encumbrance, or lease that is consummated before the commission issues the order and involves a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the charge filed under this chapter.

14-02.9-22. Licensed or regulated business. If the commission issues an order with respect to a discriminatory housing practice that occurs in the course of a business subject to a licensing or regulation by a governmental agency, the commission, not later than the thirtieth day after the date the order is issued, shall send copies of the findings and the order to the governmental agency and recommend to the governmental agency appropriate disciplinary action.

14-02.9-23. Order in preceding five years. If the commission issues an order against a respondent against whom another order was issued within the preceding five years under section 14-02.5-33, the commission shall send a copy of each order to the attorney general.

14-02.9-24. Attorney general action for enforcement. If a timely election is made under section 14-02.9-18, the commission shall authorize and the attorney general shall file not later than the thirtieth day after the date of the election a claim for relief seeking relief on behalf of the aggrieved person in a district court. Venue for an action is in the county in which the alleged discriminatory housing practice occurred or is about to occur. An aggrieved person may intervene in the action. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant as relief any relief that a court may grant in a civil action under sections 14-02.9-27 through 14-02.9-32. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in the civil action, the court may not award the monetary relief if that aggrieved person has not complied with the discovery orders entered by the court.

14-02.9-25. Pattern or practice case - Penalties.

1. On the request of the commission, the attorney general may file a claim for relief in district court for appropriate relief if the commission has reasonable cause to believe that a person is engaged in a pattern or practice of resistance to the full enjoyment of a right granted under this chapter or a person has been denied a right granted by this chapter and that denial raises an issue of general public importance.
2. In an action under this section, the court may award preventative relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this chapter as necessary to assure the full enjoyment of the rights granted by this chapter; award other appropriate relief, including monetary damages, reasonable attorney's fees, and court costs; and to vindicate the public interest, assess a civil penalty against the respondent in an amount that does not exceed fifty thousand dollars for a first violation and one hundred thousand dollars for a second or subsequent violation.

3. A person may intervene in an action under this section if the person is a person aggrieved by the discriminatory housing practice or a party to a conciliation agreement concerning the discriminatory housing practice.

14-02.9-26. Subpoena enforcement. The attorney general, on behalf of the commission or another party at whose request a subpoena is issued under this chapter, may enforce the subpoena in appropriate proceedings in district court.

14-02.9-27. Civil action.

1. An aggrieved person may file a civil action in district court not later than the second year after the date of the occurrence or the termination of an alleged discriminatory housing practice or the breach of a conciliation agreement entered under this chapter, whichever occurs last, to obtain appropriate relief with respect to the discriminatory housing practice or breach.
2. The two-year period does not include any time during which an administrative hearing under this chapter is pending with respect to a complaint or charge under this chapter based on the discriminatory housing practice. This subsection does not apply to actions arising from the breach of a conciliation agreement.
3. An aggrieved person may file a claim for relief whether a complaint has been filed under section 14-02.9-08 and without regard to the status of any complaint filed under that section.
4. If the commission has obtained a conciliation agreement with the consent of an aggrieved person, the aggrieved person may not file a claim for relief with respect to the alleged discriminatory housing practice that forms the basis of the complaint except to enforce the terms of the agreement.
5. An aggrieved person may not file a claim for relief with respect to an alleged discriminatory housing practice that forms the basis of a charge issued by the commission if the commission has begun a hearing on the record under this chapter with respect to the charge.

14-02.9-28. Court-appointed attorney. On application by a person alleging a discriminatory housing practice or by a person against whom a discriminatory housing practice is alleged, the court may appoint an attorney for the person.

14-02.9-29. Effect of relief granted. Relief granted under sections 14-02.9-27 through 14-02.9-32 does not affect a contract, sale, encumbrance, or lease that is consummated before the granting of the relief and involves a bona fide purchaser, encumbrancer, or tenant who did not have actual notice of the filing of a complaint or civil action under this chapter.

14-02.9-30. Intervention by attorney general. On request of the commission, the attorney general may intervene in an action under sections 14-02.9-27 through 14-02.9-32 if the commission certifies that the case is of general public importance. The attorney general may obtain the same relief as is available to the attorney general under subsection 2 of section 14-02.5-37.

14-02.9-31. Prevailing party. A court in an action brought under this chapter or the commission in an administrative hearing under section 14-02.9-19 may award reasonable attorney's fees to the prevailing party and assess court costs against the nonprevailing party."

Page 29, remove lines 1 through 31

Page 30, remove lines 1 through 30

Page 31, remove lines 1 through 31

Page 32, remove lines 1 through 31

Page 33, remove lines 1 through 30

Page 34, remove lines 1 through 12

Page 34, replace "14-02.9-13" with "14-02.9-32"

Page 34, line 14, remove ", an order pursuant to section 14-02.9-04," and after "or" insert "any"

Page 34, replace lines 21 through 30 with:

- "1. "Public accommodation" means every place, establishment, or facility of whatever kind, nature, or class that caters or offers services, facilities, or goods to the general public for a fee, charge, or gratuity. "Public accommodation" does not include a bona fide private club or other place, establishment, or facility which is by its nature distinctly private; provided, however, the distinctly private place, establishment, or facility is a "public accommodation" during the period it caters or offers services, facilities, or goods to the general public for a fee, charge, or gratuity."

Page 35, remove lines 1 and 2

Page 35, line 7, remove "1." and replace "and prohibited for a person, directly or indirectly, to" with "for a person engaged in the provision of public accommodations to fail to provide to an individual access to the use of any benefit from the services and facilities of the public accommodations; or to give adverse, unlawful, or unequal treatment to an individual with respect to the availability to the services and facilities, the price or other consideration therefor, the scope and equality thereof, or the terms and conditions under which the same are made available because of the individual's race, color, religion, sex, national origin, age, physical or mental disability, or status with respect to marriage or public assistance."

Page 35, remove lines 8 through 30

Page 36, remove lines 30 and 31

Page 37, remove lines 1 through 12

Page 37, line 13, replace "14-02.10-08" with "14-02.10-07"

Page 37, line 14, replace "sixty" with "one hundred eighty"

Page 37, line 16, replace "14-02.10-09" with "14-02.10-08"

Page 37, line 22, after the period insert "Backpay ordered under this section is limited to no more than two years from the date a minimally sufficient complaint was filed with the commission or the court. Interim earnings or amounts earnable with reasonable diligence by the person discriminated against reduce the backpay otherwise allowable."

Page 37, remove lines 23 through 31

Page 38, remove lines 1 through 31

Page 39, remove lines 1 through 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2318: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2318 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2319: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2319 was placed on the Sixth order on the calendar.

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

Page 1, line 6, remove the overstrike over "~~(Effective through June 30,~~", after "2003" insert "2005", and remove the overstrike over ")"

Page 2, line 16, remove the overstrike over "~~(Effective July 1,~~", after "~~2003~~" insert "2005", and remove the overstrike over "~~) Registration Fees. Any person before selling or offering for~~"

Page 2, remove the overstrike over lines 17 through 31

Page 3, remove the overstrike over lines 1 through 14

Page 3, line 19, after the period insert "Every person that receives money from the agriculture commissioner under this Act shall report to the senate agriculture committee of the fifty-ninth legislative assembly regarding the dollars received, the efforts undertaken by the recipient to control and eradicate saltcedar, and the effectiveness of those efforts."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2356: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2356 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2359: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2359 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "that the department of human services may not restrict counties" with "for the designation of a regional human service center for program supervision in cases of multicounty program administration."

Page 1, remove lines 2 and 3

Page 1, line 7, replace the third "the" with "a county that is party to the agreement may request designation of a regional human service center for program supervision. The human service center requested must be providing supervision to one or more of the counties party to the multicounty agreement. Within six months of the request, the department of human services shall implement the county's request for the designation or negotiate with the county to reach an agreeable alternative. A request for a change in the designation of a regional human service center may not be made for three years after a designation, unless the membership of the multicounty agreement changes."

Page 1, remove lines 8 through 13

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2363: Natural Resources Committee (Sen. Fischer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2363 was placed on the Sixth order on the calendar.

Page 2, line 2, replace "fifty" with "one hundred"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2364: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2364 was placed on the Sixth order on the calendar.

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

Page 2, line 1, replace "Two" with "Three"

Page 2, line 5, remove "and"

Page 2, line 8, after "program" insert "; and"

Must limit coverage for unborn children to prenatal services that would be available to an eligible pregnant woman"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2371: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2371 was placed on the Sixth order on the calendar.

Page 1, line 9, after "in" insert "each school district that has its administrative headquarters in"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2372: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2372 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2393: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2393 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 54-60 of the North Dakota Century Code, relating to duties of the department of commerce division of workforce development; and to amend and reenact section 54-60-04 of the North Dakota Century Code, relating to duties of the North Dakota economic development foundation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-60-04 of the North Dakota Century Code is amended and reenacted as follows:

54-60-04. North Dakota economic development foundation - Executive committee - Purpose Duties. The North Dakota economic development foundation is created.

1. The foundation is composed of a minimum of fifteen and a maximum of thirty members appointed by the governor for two-year terms, except the governor shall appoint approximately one-half of the initial foundation members to one-year terms in order to initiate a cycle of staggered terms. Appointment of the foundation members must ensure a cross section of business, tourism, and economic development representation, and must ensure that at least one member represents rural concerns.
2. The foundation members shall elect an executive committee with a minimum of five and a maximum of seven foundation members. The executive committee members shall elect a chairman, vice chairman, and a secretary.
3. The foundation shall seek funding for administrative expenses from private sector sources and shall seek and distribute private sector funds for use in commerce-related activities in the state.
4. ~~The purpose of the foundation is to~~ shall:
 - a. Provide the governor advice and counsel in selecting the commissioner;
 - b. Serve in an advisory role to the commissioner;
 - c. Develop a strategic plan for economic development in the state and set accountability standards, measurements, and benchmarks to

evaluate the effectiveness of the department in implementing the strategic plan;

- d. Develop a strategic plan for the development of value-added agriculture in the state; ~~and~~.
- e. Monitor tourism and economic development activities and initiatives of the department.
- f. Recommend state and federal legislation relating to strengthening the state's economy and increasing the state's population.
- g. Monitor state and federal legislation and initiatives that may impact the state's economy and population.
- h. Serve as a source of expertise for developing public and private initiatives to strengthen the state's economy and increase the state's population.

SECTION 2. A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:

Division of workforce development - Duties. The division of workforce development shall actively monitor local, regional, and national private and public workforce development initiatives."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2404: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2404 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 2 of section 15 of chapter 173 of the 2001 Session Laws, relating to the use of contingent payments for the compensation of teachers employed at the youth correctional center; to provide an appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$66,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of providing \$3,000 in additional compensation to twenty-two eligible individuals who are employed as teachers at the youth correctional center, for the period beginning January 1, 2001, and ending June 30, 2003.
2. For purposes of this section, "teacher" means an individual, other than an administrator, who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and who has been employed full-time at the youth correctional center for at least the period from July 1, 2001, through the effective date of this Act, in a position classified by the superintendent of public instruction as:
 - a. A class 22 coordinator;
 - b. A class 37 guidance counselor or school counselor;
 - c. A class 38 guidance counselor or designate;
 - d. A class 40 instructional programmer;
 - e. A class 41 library media specialist;

- f. A class 56 pupil personnel service provider;
- g. A class 59 school psychologist;
- h. A class 62 speech-language pathologist;
- i. A class 68 supervisor;
- j. A class 70 teacher or special education teacher; or
- k. A class 72 tutor in training.

SECTION 2. AMENDMENT. Subsection 2 of section 15 of chapter 173 of the 2001 Session Laws is amended and reenacted as follows:

2. If funds appropriated by the legislative assembly to the grants-teacher compensation payments line item in House Bill No. 1013, as approved by the fifty-seventh legislative assembly, remain after completion of all statutory obligations, to the extent of legislative appropriations, the superintendent of public instruction shall distribute all of the remaining funds, except sixty-six thousand dollars, as additional per student payments under chapter ~~15-40.1~~ or 15.1-27. The state treasurer shall transfer the sixty-six thousand dollars to the state general fund for the purposes as provided in section 1.

SECTION 3. DEPARTMENT OF CORRECTIONS - 2005-07 BUDGET PREPARATION. In compiling the departmental budget for the 2005-07 biennium, the department of corrections and rehabilitation shall consider the increase in teacher compensation provided for by this Act as a portion of the base salary payable to the teachers employed at the youth correctional center.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2414: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2414 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4020: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4020 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1024: A BILL for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to optional consolidation of county mill levies.
Was read the first time and referred to the **Finance and Taxation Committee.**

HB 1025: A BILL for an Act to amend and reenact section 57-39.2-26.1 of the North Dakota Century Code, relating to the allocation of sales, use, and motor vehicle excise tax collections.
Was read the first time and referred to the **Political Subdivisions Committee.**

HB 1029: A BILL for an Act to amend and reenact section 37-15-14.1 of the North Dakota Century Code, relating to the veterans' home membership contribution; and to declare an emergency.
Was read the first time and referred to the **Government and Veterans Affairs Committee.**

HB 1031: A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to department of transportation cooperative agreements with counties or cities.
Was read the first time and referred to the **Political Subdivisions Committee.**

HB 1033: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to high school graduation requirements; to amend and reenact section 15.1-23-17 of the North Dakota Century Code, relating to high school

graduation requirements for students receiving home education; and to provide an effective date.

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

HB 1034: A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to school district demographics and planning.

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

HB 1035: A BILL for an Act to amend and reenact section 14-15-01, subdivision a of subsection 4 of section 14-15-03, subsection 3 of section 14-15-04, subsection 1 of section 14-15-05, sections 14-15-06 and 14-15-07, subsection 2 of section 14-15-08, sections 14-15-09, 14-15-10, 14-15-11, 14-15-12, 14-15-12.1, 14-15-13, and 14-15-14, subsection 2 of section 14-15-15, and sections 14-15-16, 14-15-17, 14-15-18, 14-15-19, and 14-15-20 of the North Dakota Century Code, relating to the Revised Uniform Adoption Act.

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

HB 1036: A BILL for an Act to amend and reenact subsections 1 and 4 of section 14-15.1-03 and sections 14-15.1-04, 14-15.1-06, and 14-15.1-07 of the North Dakota Century Code, relating to child relinquishment to identified adoptive parents.

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

HB 1037: A BILL for an Act to amend and reenact sections 50-12-01, 50-12-02, and 50-12-03, subsection 1 of section 50-12-03.2, subsection 3 of section 50-12-04, sections 50-12-06, 50-12-07, and 50-12-08, subsection 1 of section 50-12-10, and sections 50-12-12, 50-12-14.1, and 50-12-17 of the North Dakota Century Code, relating to licensure of child-placing agencies and registration of adoption placement facilitators; to repeal section 50-12-13 of the North Dakota Century Code, relating to child-placing agency licensure appeals; and to provide a penalty.

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

HB 1046: A BILL for an Act to amend and reenact section 39-09-02 of the North Dakota Century Code, relating to speed limitations.

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

HB 1049: A BILL for an Act to amend and reenact subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the director of the game and fish department with respect to guides and outfitters.

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

HB 1051: A BILL for an Act to amend and reenact section 54-10-26 of the North Dakota Century Code, relating to the confidentiality of draft audit reports prepared by the state auditor.

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

HB 1052: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to a performance assurance plan by the public service commission; to provide a continuing appropriation; to provide an expiration date; and to declare an emergency.

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

HB 1056: A BILL for an Act to amend and reenact subsection 55 of section 40-05-01 of the North Dakota Century Code, relating to ownership by a municipality of property located outside this state.

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

HB 1058: A BILL for an Act to amend and reenact section 57-15-63 of the North Dakota Century Code, relating to relevy by a taxing district of property taxes omitted by mistake; to provide an effective date; and to provide an expiration date.

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

HB 1059: A BILL for an Act to amend and reenact section 1-08-09 of the North Dakota Century Code, relating to the service of process on election day.

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

HB 1060: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to retaliation by an employer against an employee for seeking workers' compensation benefits; to amend and reenact subdivision b of subsection 5 and subsection 28 of section 65-01-02, sections 65-02-11 and 65-02-20, subsection 5 of section 65-05-07, section 65-05-10, subsection 1 of section 65-05-17,

and sections 65-05-21, 65-05-22, 65-05-25, and 65-05-36 of the North Dakota Century Code, relating to calculation of the average weekly wage of self-employed employers, the definition of seasonal employment, subpoenas issued by the workers compensation bureau, dispute resolution of managed care decisions, modifications to real estate for catastrophically injured workers, partial disability benefits, workers' compensation death benefits, structured settlements, and the preferred worker program; to repeal sections 65-02-15 and 65-05-24 of the North Dakota Century Code, relating to binding arbitration in workers' compensation disputes and workers' compensation death benefits; to provide a penalty; and to provide for application.

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

HB 1061: A BILL for an Act to create and enact subsection 6 of section 26.1-45-01 and section 26.1-45-14 of the North Dakota Century Code, relating to long-term care insurance; and to amend and reenact subsections 3, 4, and 5 of section 26.1-45-01, section 26.1-45-05.1, subdivision b of subsection 2 of section 26.1-45-07, and sections 26.1-45-09 and 26.1-45-11 of the North Dakota Century Code, relating to long-term care insurance.

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

HB 1062: A BILL for an Act to amend and reenact subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to width limits and the movement of implements of husbandry.

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

HB 1063: A BILL for an Act to create and enact a new section to chapter 52-09 and a new section to chapter 52-10 of the North Dakota Century Code, relating to administration of the old-age and survivor insurance system and authority of the executive director of job service North Dakota; to amend and reenact section 52-09-03, subsection 4 of section 52-09-07, and subsections 6 and 9 of section 52-09-20 of the North Dakota Century Code, relating to administration of the old-age and survivor insurance system, primary insurance benefits under the old-age and survivor insurance system, authority of the executive director of job service North Dakota, and legislative appropriations for the expenses of administration; to repeal section 52-09-04 of the North Dakota Century Code, relating to the previous authority of the employment security bureau; and to provide for implementation.

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

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

WILLIAM R. HORTON, Secretary

