

## JOURNAL OF THE SENATE

## Fifty-eighth Legislative Assembly

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Bismarck, February 18, 2003

The Senate convened at 8:00 a.m., with President Pro Tem Traynor presiding.

The prayer was offered by Reverend Maury Millican, Bismarck Community Church, Bismarck.

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

A quorum was declared by the President Pro Tem.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2335, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2275 be moved to the bottom of the Sixth order, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that the rules be suspended and after action taken on the Sixth order, all bills on that order that are not rereferred to the **Appropriation Committee** be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2315, as engrossed: SEN. KILZER (Appropriations Committee) MOVED** that the amendments on SJ pages 434-435 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2315:** A BILL for an Act to amend and reenact subsection 1 of section 57-38-35.2, subsection 1 of section 57-39.2-25, and section 57-51-19 of the North Dakota Century Code, relating to the rate of interest on overpayments of income tax, sales and use tax, and oil and gas gross production tax and oil extraction tax; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Cook; Nichols; O'Connell

**ABSENT AND NOT VOTING:** Grindberg

Reengrossed SB 2315 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

**SB 2271: SEN. NELSON (Judiciary Committee) MOVED** that the amendments on SJ pages 402-405 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2271:** A BILL for an Act to create and enact three new sections to chapter 50-25.1 of the North Dakota Century Code, relating to prenatal testing and reporting; and to amend

and reenact section 50-25.1-02 of the North Dakota Century Code, relating to child abuse and neglect reporting requirements.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2271 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2077: SEN. BROWN (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 430-431 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2077:** A BILL for an Act to amend and reenact subsection 2 of section 54-52.4-01 and sections 54-52.4-02, 54-52.4-04, and 54-52.4-05 of the North Dakota Century Code, relating to state employee family leave entitlements, notices to employers, and certifications for leave.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bercier; Fairfield; Mathern; Nelson; Nichols; Polovitz; Seymour

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2077 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2149: SEN. TRENBEATH (Transportation Committee) MOVED** that the amendments on SJ page 431 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2149:** A BILL for an Act to amend and reenact sections 39-06-13 and 39-06-32, subdivision b of subsection 5 of section 39-06.1-03, subsection 17 of section 39-06.2-02, sections 39-06.2-06 and 39-06.2-16, subsection 3 of section 39-08-13, and section 39-16.1-10 of the North Dakota Century Code, relating to examination of applicants, evidence of actions against drivers received from other jurisdictions, issuance of a temporary certificate after granting a stay pending appeal, definition of gross vehicle weight rating, seasonal exemption from commercial driver's license requirements, time for submission of accident reports by law enforcement, and proof of future financial responsibility by nonresidents.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2149 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2240: SEN. HEITKAMP (Natural Resources Committee) MOVED** that the amendments on SJ pages 431-432 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2240:** A BILL for an Act to amend and reenact sections 61-16.1-14, 61-21-45, 61-35-13, and 61-35-88 and subsection 2 of section 61-35-94 of the North Dakota Century Code, relating to bids for water district construction, maintenance, and improvement projects.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2240 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2009: SEN. KRAUTER (Appropriations Committee) MOVED** that the amendments on SJ pages 425-427 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2009:** A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; and to amend and reenact subsection 1 of section 19-13.1-03 and section 19-14-04 of the North Dakota Century Code, relating to pet food and livestock medicine registration fees.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2009 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2334: SEN. BOWMAN (Appropriations Committee) MOVED** that the amendments on SJ page 435 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2334:** A BILL for an Act to provide for a beef systems center of excellence.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2334 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2296: SEN. NELSON (Judiciary Committee) MOVED** that the amendments on SJ pages 406-407 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2296:** A BILL for an Act to amend and reenact section 25-03.1-02 and subsection 1 of section 25-03.1-18.1 of the North Dakota Century Code, relating to mental illness commitment procedures.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2296 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2341: SEN. DEVER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 436-437 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2341:** A BILL for an Act to create and enact sections 50-22-06 and 50-22-07 of the North Dakota Century Code, relating to charitable solicitations; to amend and reenact sections 50-22-01, 50-22-02, 50-22-02.1, 50-22-04, 50-22-04.3, and 50-22-05 of the North Dakota Century Code, relating to charitable solicitations; and to repeal section 50-22-04.2 of the North Dakota Century Code, relating to charitable solicitations.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein;

Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2341 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2343: SEN. URLACHER (Agriculture Committee) MOVED** that the amendments on SJ page 437 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2343:** A BILL for an Act to create and enact a new section to chapter 10-06.1 of the North Dakota Century Code, relating to corporate or limited liability farming.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Bercier; Christenson; Christmann; Cook; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Taylor

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2343 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2353: SEN. FREBORG (Natural Resources Committee) MOVED** that the amendments on SJ pages 437-438 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2353:** 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 amended bill, which has been read, the roll was called and there were 1 YEA, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Stenehjem

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

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2353 lost.

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#### CONSIDERATION OF AMENDMENTS

**SB 2310: SEN. HEITKAMP (Natural Resources Committee) MOVED** that the amendments on SJ page 435 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2310:** A BILL for an Act to provide for a legislative council study of wind energy development.

**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, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Mutch; Stenehjem

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2310 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2387: SEN. ESPEGARD (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 438 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2387:** A BILL for an Act to create and enact a new section to chapter 10-30.5 of the North Dakota Century Code, relating to North Dakota development fund equity in value-added agriculture businesses; and to amend and reenact section 54-34.3-12 of the North Dakota Century Code, relating to the value-added agriculture promotion and equity program.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 18 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Every; Fairfield; Flakoll; Heitkamp; Holmberg; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor

**NAYS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Freborg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2387 lost.

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**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 9:45 a.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tem Traynor presiding.

**CONSIDERATION OF AMENDMENTS**

**SB 2401: SEN. EVERY (Natural Resources Committee) MOVED** that the amendments on SJ pages 438-439 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2401:** A BILL for an Act to amend and reenact sections 20.1-01-08 and 20.1-01-09 and subsection 3 of section 20.1-05-04 of the North Dakota Century Code, relating to the use of flashlights in taking raccoons.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Christenson; O'Connell

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2401 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2329: SEN. NELSON (Judiciary Committee) MOVED** that the amendments on SJ pages 407-408 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2329:** A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to mandated treatment for domestic violence offenders; and to amend and reenact sections 12.1-17-01 and 14-07.1-06 of the North Dakota Century Code, relating to mandated treatment of domestic violence offenders and to the violation of a protection order.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2329 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2411: SEN. TOLLEFSON (Finance and Taxation Committee) MOVED** that the amendments on SJ page 439 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2411:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2, a new subdivision to subsection 2 of section 57-38-30.3, and a new section to chapter 57-38 of the North Dakota Century Code, relating to exemption from income taxes of income of enrolled tribal members from reservation sources and waiver of certain state income tax, penalty, and interest obligations of enrolled tribal members; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 15 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor

**NAYS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas;

Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2411 lost.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2275 be placed at the top of the Sixth order, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2275: SEN. NETHING (Transportation Committee) MOVED** that the amendments on SJ pages 432-434 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. NETHING MOVED** that Engrossed SB 2275 be amended as follows, which motion prevailed on a verification vote.

Page 1, line 2, after "insurance" insert "; to repeal chapter 26.1-41 of the North Dakota Century Code, relating to motor vehicle no-fault insurance; to provide for a legislative council study"

Page 2, replace lines 22 through 31 with:

**"SECTION 2. REPEAL.** Chapter 26.1-41 of the North Dakota Century Code is repealed.

**SECTION 3. LEGISLATIVE COUNCIL STUDY - MOTOR VEHICLE NO-FAULT INSURANCE.** The legislative council shall consider studying, during the 2003-04 interim, the motor vehicle no-fault insurance system, including coordination of benefits. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly."

Page 3, remove lines 1 through 30

Page 4, remove lines 1 and 2

Renumber accordingly

Reengrossed SB 2275 was rereferred to the **Appropriations Committee**.

**MOTION**

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

**SECOND READING OF SENATE BILL**

**SB 2048:** A BILL for an Act to amend and reenact sections 20.1-03-07.1 and 20.1-08-04 of the North Dakota Century Code, relating to a limitation on the number of nonresident waterfowl hunters.

**MOTION**

**SEN. STENEHJEM MOVED** that debate on Engrossed 2048 end at 10:30 a.m., which motion prevailed.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Brown; Christenson; Cook; Dever; Espegard; Fairfield; Fischer; Flakoll; Holmberg; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; Polovitz; Robinson; Seymour; Stenehjem; Syverson; Tallackson; Thane; Tollefson



**NAYS:** Andrist; Bowman; Christmann; Erbele; Every; Freborg; Heitkamp; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Mutch; O'Connell; Schobinger; Taylor; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg

Engrossed SB 2048 passed and the title was agreed to.

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#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 12:30 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tem Traynor presiding.

#### CORRECTION AND REVISION OF THE JOURNAL

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

Page 427, line 23, replace "Heitkamp" with "Holmberg"

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

**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Howard Freed.

#### SECOND READING OF SENATE BILL

**SB 2293:** A BILL for an Act to amend and reenact section 39-04-10.10 of the North Dakota Century Code, relating to veterans' cemetery number plates.

#### 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, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2293 lost.

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#### SECOND READING OF SENATE BILL

**SB 2322:** A BILL for an Act to amend and reenact subsection 13 of section 20.1-02-05 and section 20.1-03-07.1 of the North Dakota Century Code, relating to hunting by nonresident students.

#### 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 38 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Brown; Christenson; Cook; Dever; Erbele; Espesgard; Every; Fairfield; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Tollefson; Traynor; Trenbeath; Wardner

**NAYS:** Bowman; Christmann; Kilzer; Krauter; Mutch; Thane; Urlacher

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2322 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2326:** A BILL for an Act to create and enact three new sections to chapter 4-11 of the North Dakota Century Code, relating to wholesale potato dealers; to amend and reenact sections 4-11-01, 4-11-02, 4-11-03, 4-11-04, 4-11-06, 4-11-07, 4-11-08, 4-11-09, 4-11-10, 4-11-12, 4-11-13, 4-11-14, 4-11-15, 4-11-16, 4-11-17, 4-11-18, 4-11-19, 4-11-20, 4-11-21, 4-11-22, 4-11-23, and 4-11-24 of the North Dakota Century Code, relating to wholesale potato dealers; to repeal sections 4-11-05 and 4-11-11 of the North Dakota Century Code, relating to wholesale potato dealers' licenses and fee schedules; to provide a penalty; to provide for a continuing appropriation; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2326 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2325:** A BILL for an Act to amend and reenact subsection 1 of section 39-08-20 of the North Dakota Century Code, relating to the penalty for driving without liability insurance.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Brown; Christenson; Dever; Freborg; Kilzer; Klein; Lee, G.; Lindaas; Mathern; Nichols; Polovitz; Robinson; Seymour; Syverson; Tallackson; Thane; Tollefson

**NAYS:** Bercier; Bowman; Christmann; Cook; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Heitkamp; Holmberg; Krauter; Krebsbach; Kringstad; Lee, J.; Lyson; Mutch; Nelson; Nething; Schobinger; Stenehjerm; Taylor; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2325 lost.

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#### SECOND READING OF SENATE BILL

**SB 2370:** A BILL for an Act to amend and reenact subsections 7, 9, 12, and 13 of section 26.1-41-01 of the North Dakota Century Code, relating to definitions for no-fault insurance.

#### 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, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

Nelson; Nething; Nichols; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2370 lost.

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### SECOND READING OF SENATE BILL

**SB 2390:** A BILL for an Act to amend and reenact subsection 4 of section 57-02-27.2 of the North Dakota Century Code, relating to the capitalization rate for valuation of agricultural property for property tax purposes; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 26 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Erbele; Every; Fairfield; Heitkamp; Holmberg; Klein; Krauter; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nichols; Robinson; Seymour; Tallackson; Taylor; Thane; Trenbeath; Urlacher

**NAYS:** Brown; Cook; Dever; Espegard; Fischer; Flakoll; Freborg; Kilzer; Krebsbach; Kringstad; Mutch; Nething; Polovitz; Schobinger; Stenehjem; Syverson; Tollefson; Traynor; Wardner

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2390 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF SENATE BILL

**SB 2347:** A BILL for an Act to amend and reenact section 48-05-11 of the North Dakota Century Code, relating to guaranteed energy savings contracts.

### 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2347 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2412:** A BILL for an Act to provide for the inclusion of a nonprofit organization under a general liability insurance policy of a political subdivision.

### 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 4 YEAS, 41 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Lindaas; Mathern; Mutch; Polovitz

**NAYS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Nelson; Nething; Nichols; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2412 lost.

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#### **SECOND READING OF SENATE BILL**

**SB 2112:** A BILL for an Act to amend and reenact section 64-02-10 of the North Dakota Century Code, relating to fees for testing and calibrating weighing and measuring devices.

#### **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 38 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Cook; Erbele; Espesgard; Every; Fischer; Flakoll; Freborg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; Nichols; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Christmann; Dever; Fairfield; Heitkamp; Krauter; Lee, G.; Nelson

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2112 passed and the title was agreed to.

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#### **MOTION**

**SEN. CHRISTMANN MOVED** that SB 2065, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

#### **SECOND READING OF SENATE BILL**

**SB 2221:** A BILL for an Act to repeal section 54-06-25 of the North Dakota Century Code, relating to the state employees compensation commission.

#### **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 2 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Kilzer

**NAYS:** Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espesgard; Every; Fairfield; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2221 lost.

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#### **SECOND READING OF SENATE BILL**

**SB 2316:** A BILL for an Act to amend and reenact subsection 20 of section 54-52-01 and subsection 8 of section 54-52.6-01 of the North Dakota Century Code, relating to the definition of wages and salaries for purposes of the public employees retirement system; and to provide an appropriation.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Christenson; Espegard; Every; Fairfield; Heitkamp; Holmberg; Krauter; Lindaas; Mathern; Nelson; Nichols; Polovitz; Robinson; Seymour; Tallackson; Taylor

**NAYS:** Bowman; Brown; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2316 lost.

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#### SECOND READING OF SENATE BILL

**SB 2338:** A BILL for an Act to create and enact two new sections to chapter 39-10.1 of the North Dakota Century Code, relating to bicycle helmets and restraining seats; to amend and reenact section 39-10.1-01 of the North Dakota Century Code, relating to bicycles; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 37 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Christenson; Fairfield; Mathern; Nelson; Polovitz; Seymour; Taylor; Thane

**NAYS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; Nething; Nichols; Robinson; Schobinger; Stenehjem; Syverson; Tallackson; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2338 lost.

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#### SECOND READING OF SENATE BILL

**SB 2362:** A BILL for an Act to amend and reenact sections 61-16.2-02, 61-16.2-06, 61-16.2-08, 61-16.2-09, 61-16.2-10, 61-16.2-13, and 61-16.2-14 of the North Dakota Century Code, relating to floodplain management.

#### 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2362 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2366:** A BILL for an Act to create and enact section 39-10-73 of the North Dakota Century Code, relating to passengers in vehicles; and to amend and reenact section 39-06.1-08 of the North Dakota Century Code, relating to nonmoving violations.

#### 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 15 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Christenson; Dever; Fairfield; Flakoll; Freborg; Heitkamp; Mathern; Nelson; Nichols; Polovitz; Seymour; Syverson; Tallackson; Taylor; Thane

**NAYS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Erbele; Espegard; Every; Fischer; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; Nething; Robinson; Schobinger; Stenehjem; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2366 lost.

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#### SECOND READING OF SENATE BILL

**SB 2324:** A BILL for an Act to amend and reenact sections 46-05-01, 46-06-01, 46-06-02, and 46-06-03 of the North Dakota Century Code, relating to qualifications of legal newspapers, official newspapers in counties where no newspaper is published, and placement of newspapers on the ballot; and to repeal section 46-05-02 of the North Dakota Century Code, relating to newspaper affidavits filed with county auditors.

#### 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2324 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2386:** A BILL for an Act to create and enact a new subsection of section 54-52-04, a new subsection of section 54-52.1-01, and five new sections of chapter 54-52.1 of the North Dakota Century Code, relating to the expansion of the uniform group insurance program to allow participation by permanent and temporary employees of private sector employers and by any other person who is otherwise without health insurance coverage; to amend and reenact section 54-52.1-02 of the North Dakota Century Code, relating to subgroups under the uniform group insurance program; to provide an appropriation; to provide a continuing appropriation; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nichols; Polovitz; Robinson; Seymour; Tallackson; Taylor

**NAYS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2386 lost.

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#### SECOND READING OF SENATE BILL

**SB 2392:** A BILL for an Act to amend and reenact section 34-01-14.1 of the North Dakota Century Code, relating to union representation expenses of nonunion members.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nichols; Polovitz; Robinson; Seymour; Syverson; Tallackson; Taylor

**NAYS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjerm; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; O'Connell

SB 2392 lost.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4016:** A concurrent resolution directing the Legislative Council to study those provisions of North Dakota Century Code Title 4 which relate to the powers and duties of the State Seed Commissioner and the State Seed Department.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4016 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4018:** A concurrent resolution urging all publicly supported entities having food acquisition functions to support North Dakota producers and processors through the purchase of food products grown or produced and processed in this state.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4018 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4022:** A concurrent resolution directing the Legislative Council to study proposed legislation permitting the Game and Fish Department to coordinate with game and fish programs conducted by the tribal governments of the federally recognized Indian tribes in North Dakota.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4022 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4030:** A concurrent resolution directing the Legislative Council to study the requirements for the registration and licensing of snowmobile and all-terrain vehicle dealers.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4030 was declared adopted, and the title was agreed to on a voice vote.

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**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 2:23 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with Deputy President Pro Tem Nething presiding.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2215 be placed at the top of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2215:** A BILL for an Act to amend and reenact subsection 8 of section 20.1-03-11 and sections 20.1-08-04.2 and 20.1-08-04.6 of the North Dakota Century Code, relating to the moose and elk hunting license raffles.

**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; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nichols; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Grindberg; Nething; O'Connell; Tallackson

SB 2215 passed and the title was agreed to.

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**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: HCR 3037.

**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 1044, HB 1155, HB 1179, HB 1224, HB 1234, HB 1257, HB 1260, HB 1301, HB 1325, HB 1340, HB 1371, HB 1383, HB 1404, HB 1405, HB 1424, HB 1425, HB 1451.

**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 2032, SB 2175, SB 2193, SB 2208, SB 2237, SB 2251, SB 2277, SB 2278, SB 2305, SB 2319, SB 2342, SB 2363, SB 2415, SCR 4011, SCR 4014, SCR 4019, SCR 4024, SCR 4025, SCR 4028.

**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 8:00 a.m., Wednesday, February 19, 2003, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2008: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2008 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and to amend and reenact section 49-01-05 of the North Dakota Century Code," with "to provide for repayment of funding; and to declare an emergency."

Page 1, remove line 3

Page 1, line 11, replace "4,830,580" with "4,775,728"

Page 1, line 12, replace "1,232,261" with "1,212,261"

Page 1, line 13, replace "45,011" with "35,011"



Page 1, line 17, replace "10,088,344" with "10,003,492"

Page 1, line 18, replace "6,084,744" with "6,074,179"

Page 1, line 19, replace "4,003,600" with "3,929,313"

Page 2, replace lines 1 through 10 with:

**"SECTION 3. REPAYMENT OF FUNDING.** The public service commission shall reimburse the state rail fund for any amounts transferred from proceeds that may result from a successful outcome of the rail rate study and rail rate complaint case.

**SECTION 4. EMERGENCY.** The rail rate complaint case line item in section 1 and section 2 of this Act are declared to be an emergency measure."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2008 - Public Service Commission - Senate Action**

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$4,830,580	(\$54,852)	\$4,775,728
Operating expenses	1,232,261	(20,000)	1,212,261
Capital assets	45,011	(10,000)	35,011
Grants	62,000		62,000
Abandoned mined lands contractual services	3,668,492		3,668,492
Rail rate complaint case	<u>250,000</u>		<u>250,000</u>
Total all funds	\$10,088,344	(\$84,852)	\$10,003,492
Less estimated income	<u>6,084,744</u>	<u>(10,565)</u>	<u>6,074,179</u>
General fund	\$4,003,600	(\$74,287)	\$3,929,313
FTE	41.00	0.00	41.00

**Dept. 408 - Public Service Commission - Detail of Senate Changes**

	REMOVES RECOMMENDED SALARY INCREASE <sup>1</sup>	CHANGES FUNDING SOURCE <sup>2</sup>	DECREASES FUNDING FOR EQUIPMENT OVER \$5,000 <sup>3</sup>	DECREASES FUNDING FOR EQUIPMENT UNDER \$5,000 <sup>4</sup>	DECREASES FUNDING FOR LEGAL REFERENCE MATERIALS <sup>5</sup>	DECREASES FUNDING FOR PROFESSIONAL DEVELOPMENT <sup>6</sup>
Salaries and wages	(\$52,852)					
Operating expenses				(\$200)	(\$5,000)	(\$2,000)
Capital assets			(\$10,000)			
Grants						
Abandoned mined lands contractual services						
Rail rate complaint case						
Total all funds	(\$52,852)	\$0	(\$10,000)	(\$200)	(\$5,000)	(\$2,000)
Less estimated income	<u>(18,565)</u>	<u>8,000</u>				
General fund	(\$34,287)	(\$8,000)	(\$10,000)	(\$200)	(\$5,000)	(\$2,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

  

	DECREASES FUNDING FOR INFORMATION TECHNOLOGY COSTS <sup>7</sup>	DECREASES THE SALARY LINE ITEM <sup>8</sup>	TOTAL SENATE CHANGES
Salaries and wages		(\$2,000)	(\$54,852)
Operating expenses	(\$12,800)		(20,000)
Capital assets			(10,000)
Grants			
Abandoned mined lands contractual services			
Rail rate complaint case			
Total all funds	(\$12,800)	(\$2,000)	(\$84,852)
Less estimated income			<u>(10,565)</u>
General fund	(\$12,800)	(\$2,000)	(\$74,287)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment removes the Governor's recommendation for state employee salary increases and retains the recommended state payment for health insurance premiums, including the funding for the commissioner's salary increase.

<sup>2</sup> This amendment changes the funding source from general fund to special funds from a projected increase in indirect cost recoveries from the federal government.

- <sup>3</sup> This amendment decreases funding for information technology equipment over \$5,000.
- <sup>4</sup> This amendment decreases the funding for information technology equipment under \$5,000.
- <sup>5</sup> This amendment decreases funding for legal division reference materials.
- <sup>6</sup> This amendment decreases the funding for information technology professional development costs.
- <sup>7</sup> This amendment decreases funding for information technology programming and support costs for web data base development.
- <sup>8</sup> This amendment underfunds the salary and wages line item by \$2,000.

A section is added making the \$250,000 transfer and related appropriation from the state rail fund to the Public Service Commission for costs associated with the initial stage of a rail rate complaint case an emergency measure. It also requires the Public Service Commission to repay the state rail fund from any proceeds of a successful outcome of the rail rate complaint case.

#### REPORT OF STANDING COMMITTEE

**SB 2013: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2013 was placed on the Sixth order on the calendar.

Page 1, line 3, replace the comma with "and"

Page 1, line 4, replace ", cost-sharing assistance for school district joint powers agreements, and hold" with "; and to provide a statement of legislative intent."

Page 1, remove lines 5 and 6

Page 1, line 17, replace "9,572,703" with "9,287,593"

Page 1, line 18, replace "13,527,674" with "13,102,674"

Page 1, remove lines 20 and 21

Page 1, line 22, replace "478,056,990" with "479,379,990"

Page 1, line 23, replace "66,277,000" with "51,854,000"

Page 1, remove line 24

Page 2, line 3, replace "181,902,244" with "182,075,244"

Page 2, line 4, replace "874,145,677" with "855,108,567"

Page 2, line 5, replace "265,980,642" with "265,915,532"

Page 2, line 6, replace "608,165,035" with "589,193,035"

Page 2, line 9, replace "2,102,414" with "2,081,564"

Page 2, line 12, replace "4,687,581" with "4,666,731"

Page 2, line 13, replace "1,630,863" with "1,630,082"

Page 2, line 14, replace "3,056,718" with "3,036,649"

Page 2, line 17, replace "4,855,655" with "4,807,382"

Page 2, line 20, replace "5,994,124" with "5,945,851"

Page 2, line 22, replace "5,122,675" with "5,074,402"

Page 2, line 25, replace "2,569,793" with "2,543,182"

Page 2, line 28, replace "3,290,629" with "3,264,018"

Page 2, line 29, replace "1,198,474" with "1,170,572"

Page 2, line 30, replace "2,092,155" with "2,093,446"

Page 2, line 31, replace "618,436,583" with "599,397,532"

Page 3, line 1, replace "269,681,428" with "269,587,635"

Page 3, line 2, replace "888,118,011" with "868,985,167"

Page 4, line 26, remove "- ADDITIONAL PER STUDENT PAYMENTS"

Page 5, replace lines 17 through 29 with:

**"SECTION 11. STATE AID PAYMENTS - CONTINGENT ADDITIONAL PER STUDENT PAYMENTS.** If funds appropriated by the legislative assembly to the grants - state school aid line item in section 1 of this Act remain after completion of all statutory obligations, including the payment of reorganization bonuses and the payment of funds for declining enrollments under section 10 of this Act, to the extent of legislative appropriations, the superintendent of public instruction shall distribute the remaining funds as additional per student payments on a prorated basis, according to the average daily membership of each school district during the 2004-05 school year.

**SECTION 12. TEACHER COMPENSATION PAYMENTS - CONTINGENT ADDITIONAL PER STUDENT PAYMENTS.** If funds appropriated by the legislative assembly to the grants - teacher compensation payments line item in section 1 of this Act remain after completion of all statutory obligations, to the extent of legislative appropriations, the superintendent of public instruction shall distribute the remaining funds as additional per student payments on a prorated basis, according to the average daily membership of each school district during the 2004-05 school year.

**SECTION 13. LEGISLATIVE INTENT - NO CHILD LEFT BEHIND ACT.** It is the intent of the legislative assembly that the department of public instruction have a primary focus of being an advocate and facilitator for those schools having difficulty complying or those not in compliance with the federal mandates contained in the federal No Child Left Behind Act, and the department seek to promulgate the most flexible interpretation of the No Child Left Behind Act to assist public schools in this state."

Page 6, remove lines 1 through 30

Page 7, remove lines 1 through 10

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2013 - Summary of Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Department of Public Instruction			
Total all funds	\$874,145,677	(\$19,037,110)	\$855,108,567
Less estimated income	<u>265,980,642</u>	<u>(65,110)</u>	<u>265,915,532</u>
General fund	\$608,165,035	(\$18,972,000)	\$589,193,035
State Library			
Total all funds	\$4,687,581	(\$20,850)	\$4,666,731
Less estimated income	<u>1,630,863</u>	<u>(781)</u>	<u>1,630,082</u>
General fund	\$3,056,718	(\$20,069)	\$3,036,649
School for the Deaf			
Total all funds	\$5,994,124	(\$48,273)	\$5,945,851
Less estimated income	<u>871,449</u>	<u>—</u>	<u>871,449</u>
General fund	\$5,122,675	(\$48,273)	\$5,074,402
North Dakota Vision Services - School for the Blind			
Total all funds	\$3,290,629	(\$26,611)	\$3,264,018
Less estimated income	<u>1,198,474</u>	<u>(27,902)</u>	<u>1,170,572</u>
General fund	\$2,092,155	\$1,291	\$2,093,446
Bill Total			
Total all funds	\$888,118,011	(\$19,132,844)	\$868,985,167
Less estimated income	<u>269,681,428</u>	<u>(93,793)</u>	<u>269,587,635</u>
General fund	\$618,436,583	(\$19,039,051)	\$599,397,532

#### Senate Bill No. 2013 - Department of Public Instruction - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$9,572,703	(\$285,110)	\$9,287,593
Operating expenses	13,527,674	(425,000)	13,102,674
Capital assets	15,000		15,000
Hold harmless payments	1,200,000	(1,200,000)	
Reorganization bonuses and joint powers	1,000,000	(1,000,000)	
Grants - State school aid	478,056,990	1,323,000	479,379,990
Grants - Teacher compensation payments	66,277,000	(14,423,000)	51,854,000
Grants - Revenue supplement payments	3,200,000	(3,200,000)	
Grants - Tuition apportionment	69,495,371		69,495,371
Grants - Special education	49,898,695		49,898,695
Grants - Other grants	<u>181,902,244</u>	<u>173,000</u>	<u>182,075,244</u>
Total all funds	\$874,145,677	(\$19,037,110)	\$855,108,567
Less estimated income	<u>265,980,642</u>	<u>(65,110)</u>	<u>265,915,532</u>
General fund	\$608,165,035	(\$18,972,000)	\$589,193,035
FTE	93.25	0.00	93.25

**Dept. 201 - Department of Public Instruction - Detail of Senate Changes**

	REMOVES RECOMMENDED SALARY INCREASE 1	DECREASES FUNDING FOR SALARIES AND WAGES	DECREASES FUNDING FOR TEMPORARY SALARIES AND WAGES	DECREASES FUNDING FOR OPERATING EXPENSES 2	TRANSFERS FUNDING FROM OPERATING EXPENSES TO OTHER GRANTS 3	REMOVES FUNDING FOR HOLD HARMLESS PAYMENTS 4
Salaries and wages	(\$101,123)	(\$163,987)	(\$20,000)			
Operating expenses				(\$300,000)	(\$125,000)	
Capital assets						
Hold harmless payments						(\$1,200,000)
Reorganization bonuses and joint powers						
Grants - State school aid						
Grants - Teacher compensation payments						
Grants - Revenue supplement payments						
Grants - Tuition apportionment						
Grants - Special education						
Grants - Other grants					<u>\$125,000</u>	
Total all funds	(\$101,123)	(\$163,987)	(\$20,000)	(\$300,000)	\$0	(\$1,200,000)
Less estimated income	<u>(65,110)</u>					
General fund	(\$36,013)	(\$163,987)	(\$20,000)	(\$300,000)	\$0	(\$1,200,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00
	REMOVES FUNDING FOR REORGANIZATION BONUSES AND JOINT POWERS 5	INCREASES FUNDING FOR STATE SCHOOL AID 6	REDUCES FUNDING FOR TEACHER COMPENSATION PAYMENTS 7	REMOVES FUNDING FOR REVENUE SUPPLEMENT PAYMENT 8	PROVIDES FUNDING FOR NATIONAL WRITING PROJECTS 9	TOTAL SENATE CHANGES
Salaries and wages						(\$285,110)
Operating expenses						(425,000)
Capital assets						
Hold harmless payments						(1,200,000)
Reorganization bonuses and joint powers	(\$1,000,000)					(1,000,000)
Grants - State school aid		\$1,323,000				1,323,000
Grants - Teacher compensation payments			(\$14,423,000)			(14,423,000)
Grants - Revenue supplement payments				(\$3,200,000)		(3,200,000)
Grants - Tuition apportionment						
Grants - Special education						
Grants - Other grants					<u>\$48,000</u>	<u>173,000</u>
Total all funds	(\$1,000,000)	\$1,323,000	(\$14,423,000)	(\$3,200,000)	\$48,000	(\$19,037,110)
Less estimated income						<u>(65,110)</u>
General fund	(\$1,000,000)	\$1,323,000	(\$14,423,000)	(\$3,200,000)	\$48,000	(\$18,972,000)
FTE	0.00	0.00	0.00	0.00	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. Section 13 of the bill as introduced is removed which provided the statutory changes relating to the Superintendent's salary. The Superintendent's salary will remain at the current level of \$77,434 for the 2003-05 biennium.

2 This amendment decreases funding for operating expenses by \$300,000 from the general fund, including reductions in travel (\$100,000), postage (\$10,000), dues and professional development (\$40,000), printing (\$50,000), and miscellaneous operating (\$100,000).

3 This amendment transfers funding of \$125,000 from the general fund from the operating expenses line item to the other grants line item for providing a grant to the North Dakota Museum of Art for establishing a pilot rural school outreach initiative for the 2003-05 biennium.

4 Engrossed Senate Bill No. 2154 continues the current level of teacher compensation payments of \$1,000 for first-year teachers and \$3,000 for second-year returning teachers. The bill does not include the provisions as recommended in the executive budget to provide an additional \$500 per third-year returning teacher in the first year of the 2003-05 biennium and an additional \$1,000 per fourth-year returning teacher in the second year of the biennium. Therefore, the funding of \$1.2 million from the general fund relating to hold harmless payments is removed.

<sup>5</sup> This amendment removes funding of \$1 million from the general fund provided for reorganization bonuses (\$500,000) and joint powers agreement incentives (\$500,000) as funding is provided for in Engrossed Senate Bill No. 2154.

<sup>6</sup> Engrossed Senate Bill No. 2154, as amended, increases the state school aid per student payment for the first year of the biennium from \$2,430 as recommended in the executive budget to \$2,497 and the payment for the second year of the biennium from \$2,528 as recommended in the executive budget to \$2,619. To properly account for the increase in state school aid per student payments, funding of \$1,323,000 is added to the state school aid funding increasing funding from \$478,056,990 to \$479,379,990.

<sup>7</sup> Engrossed Senate Bill No. 2154 continues the current level of teacher compensation payments of \$1,000 for first-year teachers and \$3,000 for second-year returning teachers. The bill does not include the provisions as recommended in the executive budget to provide an additional \$500 per third-year returning teacher in the first year of the 2003-05 biennium and an additional \$1,000 per fourth-year returning teacher in the second year of the biennium. To properly account for the decrease in teacher compensation payments, the funding for teacher compensation payments is decreased by \$14,423,000, from \$66,277,000 to \$51,854,000.

<sup>8</sup> This amendment removes funding of \$3.2 million from the general fund recommended for revenue supplemental payments as funding of \$5 million from the general fund is included in Engrossed Senate Bill No. 2154.

<sup>9</sup> This amendment increases funding for the other grants line item by \$48,000 from the general fund for the Northern Plains Writing Project (\$28,000) and the Red River Writing Project (\$20,000).

This amendment also:

- Amends Section 10 of the bill as introduced relating to contingent distributions of state school aid.
- Adds two sections to the bill relating to contingent distributions of state school aid and teacher compensation payments.
- Removes Section 11 of the bill as introduced relating to joint powers agreement incentives.
- Removes Section 12 of the bill as introduced relating to hold harmless payments.
- Adds a section of legislative intent to the bill relating to the No Child Left Behind Act.

#### Senate Bill No. 2013 - State Library - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,102,414	(\$20,850)	\$2,081,564
Operating expenses	1,188,360		1,188,360
Grants	<u>1,396,807</u>		<u>1,396,807</u>
Total all funds	\$4,687,581	(\$20,850)	\$4,666,731
Less estimated income	<u>1,630,863</u>	<u>(781)</u>	<u>1,630,082</u>
General fund	\$3,056,718	(\$20,069)	\$3,036,649
FTE	28.75	0.00	28.75

#### Dept. 250 - State Library - Detail of Senate Changes

	REMOVES RECOMMENDED SALARY INCREASE <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$20,850)	(\$20,850)
Operating expenses		
Grants		
Total all funds	(\$20,850)	(\$20,850)
Less estimated income	<u>(781)</u>	<u>(781)</u>
General fund	(\$20,069)	(\$20,069)
FTE	0.00	0.00

<sup>1</sup> 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. 2013 - School for the Deaf - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$4,855,655	(\$48,273)	\$4,807,382
Operating expenses	1,105,746		1,105,746
Capital assets	<u>32,723</u>		<u>32,723</u>
Total all funds	\$5,994,124	(\$48,273)	\$5,945,851
Less estimated income	<u>871,449</u>		<u>871,449</u>
General fund	\$5,122,675	(\$48,273)	\$5,074,402

FTE	51.85	0.00	51.85
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**Dept. 252 - School for the Deaf - Detail of Senate Changes**

	REMOVES RECOMMENDED SALARY INCREASE <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$48,273)	(\$48,273)
Operating expenses		
Capital assets		
Total all funds	(\$48,273)	(\$48,273)
Less estimated income		
General fund	(\$48,273)	(\$48,273)
FTE	0.00	0.00

<sup>1</sup> 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. 2013 - North Dakota Vision Services - School for the Blind - Senate Action**

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,569,793	(\$26,611)	\$2,543,182
Operating expenses	702,603		702,603
Capital assets	<u>18,233</u>		<u>18,233</u>
Total all funds	\$3,290,629	(\$26,611)	\$3,264,018
Less estimated income	<u>1,198,474</u>	<u>(27,902)</u>	<u>1,170,572</u>
General fund	\$2,092,155	\$1,291	\$2,093,446
FTE	27.00	0.00	27.00

**Dept. 253 - North Dakota Vision Services - School for the Blind - Detail of Senate Changes**

	REMOVES RECOMMENDED SALARY INCREASE <sup>1</sup>	FUNDING SOURCE CHANGE <sup>2</sup>	TOTAL SENATE CHANGES
Salaries and wages	(\$26,611)		(\$26,611)
Operating expenses			
Capital assets			
Total all funds	(\$26,611)	\$0	(\$26,611)
Less estimated income	<u>(2,931)</u>	<u>(24,971)</u>	<u>(27,902)</u>
General fund	(\$23,680)	\$24,971	\$1,291
FTE	0.00	0.00	0.00

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

<sup>2</sup> This amendment changes the funding source relating to the agency's summer outreach programs from \$24,971 of special funds as recommended in the executive budget to funding of \$24,971 from the general fund.

**REPORT OF STANDING COMMITTEE**

**SB 2026: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2026 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "50,000" with "25,000"

Page 1, line 10, replace "50,000" with "25,000"

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2026 - Crop Product Harmonization Board - Senate Action**

EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
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Crop Product Harmonization Board	\$50,000	(\$25,000)	\$25,000
Total all funds	\$50,000	(\$25,000)	\$25,000
Less estimated income	<u>50,000</u>	<u>(25,000)</u>	<u>25,000</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

#### Dept. 615 - Crop Product Harmonization Board - Detail of Senate Changes

	DECREASES FUNDING <sup>1</sup>	TOTAL SENATE CHANGES
Crop Product Harmonization Board	(\$25,000)	(\$25,000)
Total all funds	(\$25,000)	(\$25,000)
Less estimated income	<u>(25,000)</u>	<u>(25,000)</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment decreases funding from the environment and rangeland protection fund for the Crop Protection Product Harmonization and Registration Board.

#### REPORT OF STANDING COMMITTEE

**SB 2052: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2052 was placed on the Sixth order on the calendar.

Page 1, line 18, after "any" insert "privately owned"

Page 1, line 20, remove "owned by a private entity and", remove "by it", and replace "net" with "structure, fixture, or improvement is primarily used for athletic or educational purposes at a state institution of higher education"

Page 1, remove line 21

Page 1, line 22, remove "the land"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2074: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2074 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to provide an effective date;"

Page 2, remove line 25

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2089: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2089 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2154, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2154 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "five" with "six"

Page 1, line 12, replace "eighty-nine" with "nineteen"

Page 10, line 20, replace "twenty" with "twenty-one" and overstrike "five hundred"

Page 10, line 23, replace "twenty-one" with "twenty-two"

Page 10, line 30, replace "\$1,500,000" with "\$2,000,000"

Page 11, line 1, after "15.1-12-11.1" insert "and joint powers agreement incentives"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment changes the per student payments for the 2003-05 biennium provided for in North Dakota Century Code Section 15.1-27-04 to \$2,497 for 2003-04 and \$2,619 for 2004-05 to coordinate with state school aid funding provided for in Senate Bill No. 2013. This amendment also increases the minimum teacher salary to \$21,000 for 2003-04 and \$22,500 for 2004-05 and changes Section 8 of the engrossed bill to provide a \$2,000,000 appropriation from the general fund for reorganization bonuses and joint powers agreement incentives.

**REPORT OF STANDING COMMITTEE**

**SB 2244: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2244 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "a new subsection to section 15.1-02-04 and"

Page 1, line 3, remove "duties of the"

Page 1, line 4, remove "superintendent of public instruction and"

Page 1, remove lines 8 through 11

Page 2, line 1, after the second comma insert "to develop, construct, and operate wind turbines,"

Page 2, line 2, remove the overstrike over "~~and~~"

Page 2, line 4, remove ", and develop,"

Page 2, line 5, remove "construct, and operate wind turbines"

Page 2, remove lines 6 through 17

Page 2, line 19, remove "provision of" and remove "into"

Page 2, line 20, after "turbines" insert "within the participating school districts" and remove "Notwithstanding any other"

Page 2, remove lines 21 through 31

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 8

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2248: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2248 was placed on the Sixth order on the calendar.

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

Page 1, line 2, after the first "to" insert "providing absentee voting information to military and overseas voters, rejecting absentee ballots cast by military and overseas voters, and creating" and after "reenact" insert "subsection 2 of section 16.1-07-01 and"

Page 1, line 3, after "to" insert "absentee voting for federal offices by citizens who have never lived in the United States,"



Page 1, line 4, after "ballots" insert a comma

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Subsection 2 of section 16.1-07-01 of the North Dakota Century Code is amended and reenacted as follows:

2. A qualified elector who is a citizen of the United States and lives outside the United States or a citizen of the United States who is eighteen years of age or older and has never lived in the United States and whose parent is a qualified elector of the state may vote absentee in this state pursuant to this chapter if the individual:
  - a. Does not maintain a domicile;
  - b. Is not registered to vote;
  - c. Is not voting in any other state, territory, or possession of the United States; and
  - d. Possesses a valid passport or card of identity and registration issued under the authority of the secretary of state of the United States.

Such an elector may vote only in federal elections, which means any election held solely or in part for the purpose of electing or nominating any candidate for the office of president, vice president, presidential elector, member of the United States senate, or member of the United States house of representatives."

Page 2, line 28, replace "16.1-08.1-09" with "16.1-08.1-01"

Page 4, line 2, remove "the applicant's employer, officer, or"

Page 4, line 3, remove "agent of the applicant's union, or" and remove ", or a relative of a"

Page 4, line 4, remove "candidate for any office as described in subsection 2 of section 16.1-05-02,"

Page 5, after line 19, insert:

- "5. Each person requesting an absent voter's ballot under this chapter who cannot read the English language or who because of blindness or other disability is unable to mark the voter's ballot, upon request, may receive the assistance of any person of the voter's choice, other than the voter's employer, an officer or agent of the voter's union, a candidate running in that election, or a relative of a candidate as described in subsection 2 of section 16.1-05-02, in marking the voter's ballot."

Page 5, line 26, replace "16.10-13" with "16.1-13"

Page 6, line 29, after "counting" insert an underscored comma

Page 7, after line 2, insert:

**"SECTION 7.** A new section to chapter 16.1-07 of the North Dakota Century Code is created and enacted as follows:

Secretary of state to provide information regarding absentee voting for military and overseas voters. The secretary of state is designated as the official responsible for providing information regarding absentee voting by military and overseas citizens eligible to vote in the state according to section 702 of the Help America Vote Act of 2002 [Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 1973ff-1]. The secretary of state shall develop and provide uniform procedures for county auditors to follow when transmitting and receiving applications for absentee ballots to and from military and overseas voters.

**SECTION 8.** A new section to chapter 16.1-07 of the North Dakota Century Code is created and enacted as follows:

Notification of rejected absentee ballots cast by military and overseas voters. The secretary of state shall establish a uniform procedure for county auditors to follow when notifying a military or overseas voter that the voter's absentee ballot was rejected. The procedure must provide that the notice include the reason why the voter's absentee ballot was rejected as provided by section 707 of the Help America Vote Act of 2002 [Pub. L. 107-252; 116 Stat. 1666; 42 U.S.C. 1973ff-1]."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2249: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2249 was placed on the Sixth order on the calendar.

Page 2, line 10, replace "Before any action may be taken by an agency or governing body under this section," with "If an action is to be taken by an agency or governing body under this section, notice of intent to take the action must be given to the director at the onset of the planning process. At the director's request, the agency or governing body shall inform the director of each meeting at which planning or decisions on a project are on the agenda. At each meeting, the agency or governing body shall provide the director with an opportunity to comment or provide preservation funding for the proposed project and the agency or governing body shall consider the director's comments or offers of funding in the development and implementation of the project. Although the agency or governing body may take the action it deems necessary, the agency or governing body shall make all reasonable effort to preserve the historical characteristics of a site taking into consideration economic and technical feasibility."

Page 2, remove lines 11 through 13

Page 2, line 14, remove "governing body determines necessary."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2252: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2252 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide for a legislative study;"

Page 2, line 20, remove the overstrike over "~~sixty~~"

Page 2, line 21, remove "~~thirty~~"

Page 2, line 22, remove the overstrike over "~~ninety~~"

Page 2, line 23, remove "~~sixty~~"

Page 3, line 10, replace "an owner's" with "the contracting party's" and replace "within sixty days after the" with "if a rebuttable presumption of abandonment has arisen under subsection 1 and the contracting party has made a request to the licensee for a refund"

Page 3, remove line 11

Page 3, line 12, remove "starting date agreed upon in writing"

Page 3, line 27, after "If" insert ", after an adjudicative proceeding or as part of an informal disposition under chapter 28-32,"

Page 3, line 28, overstrike "has been" and insert immediately thereafter "is", overstrike "any of the acts" and insert immediately thereafter "an act", overstrike "omissions" and insert immediately thereafter "omission", and after "charged" insert "or if the licensee admits guilt to an act or omission charged"

Page 3, line 30, remove "or"

Page 3, line 31, after "dollars" insert ", or impose some lesser sanction or remedy"

Page 5, after line 4, insert:

**"SECTION 5. CONTRACTOR COMPETENCY - LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying, during the 2003-04 interim, consumer protection in regard to contractor competency and out-of-state contractors licensed in the state. 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 2258: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2258 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 creation of the Lake Agassiz water authority; and to amend and reenact section 61-24-04 of the North Dakota Century Code, relating to compensation of the members of the board of directors of the Garrison Diversion Conservancy District.

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

**SECTION 1. AMENDMENT.** Section 61-24-04 of the North Dakota Century Code is amended and reenacted as follows:

**61-24-04. Compensation of directors.** Each member of the board of directors of the district is entitled to receive as compensation from the district ~~sixty-two dollars and fifty cents compensation~~ an amount determined by the board of directors not to exceed the amount provided for members of the legislative council under section 54-35-10 per day and must be reimbursed for the member's expenses in the amounts provided in sections 44-08-04 and 54-06-09 while attending meetings of the board or otherwise engaged in the official business of the district.

**SECTION 2.** Findings and declaration of policy.The legislative assembly declares that many areas and localities in eastern North Dakota do not enjoy adequate quantities of high-quality drinking water; that other areas and localities in eastern North Dakota do not have sufficient quantities of water to ensure a dependable, long-term supply; that greater economic security and the protection of health and property benefits the land and water resources of this state; and that the promotion of the prosperity and general welfare of all of the people of this state depend on the effective development and utilization of the land and water resources of this state and necessitates and requires the exercise of the sovereign powers of this state and concern a public purpose. To accomplish this public purpose, it is declared necessary that a water authority to store and distribute water to eastern North Dakota be established to provide for the supply and distribution of water to the people of eastern North Dakota for purposes, including domestic, rural water, municipal, livestock, light industrial, and other uses, with primary emphasis on domestic, rural water, and municipal uses; and provide for the future economic welfare and prosperity of the people of this state, and particularly the people of eastern North Dakota, by the bulk purchase of water from the Garrison Diversion Conservancy District delivered by the Red River valley water supply project for beneficial and public uses.

In furtherance of this public purpose, the state water commission may provide for the issuance of bonds in accordance with chapter 61-02 to finance the costs of any project to deliver water to eastern North Dakota. Sections 2 through 6 of this Act do not abrogate or limit the rights, powers, duties, and functions of the state water commission or state engineer, but is supplementary to those rights, powers, duties, and functions.

**SECTION 3.** Lake Agassiz water authority created. The Lake Agassiz water authority consists of cities and water districts located in that part of the state which is included within the boundaries of: Cavalier, Pembina, Walsh, Nelson, Grand Forks, Griggs, Steele, Traill, Barnes, Cass, Ransom, Sargent, and Richland Counties and that pay dues to the authority. The authority is a governmental agency, body politic and corporate with the authority to exercise the power specified in sections 2 through 6 of this Act, or which may be reasonably implied. Cities and water districts may pay dues to the authority as determined by the authority.

**SECTION 4.** Lake Agassiz water authority - Board of directors. The authority must be governed by a board of directors selected as follows:

1. One member from a city with a population greater than forty thousand located east of state highway 1 and north of state highway 200.
2. One member from a city with a population greater than forty thousand located east of state highway 1 and south of state highway 200.
3. One member from a city with a population of five thousand but not more than forty thousand located east of state highway 1.
4. One member from a city with a population of less than five thousand located east of state highway 1.
5. Two members from water districts located east of state highway 1 and north of state highway 200.
6. Two members from water districts located east of state highway 1 and south of state highway 200.
7. One member from water districts located east of state highway 1.

City members must be selected for two-year terms by election by cities located east of state highway 1 during the annual meeting of the North Dakota league of cities in every odd-numbered year beginning in 2003. Water district members must be selected for two-year terms by election by water districts located east of state highway 1 during the annual meeting of the North Dakota rural water systems association in every even-numbered year beginning in 2004. The initial selection of members must be at a meeting held by the board of directors of the North Dakota league of cities and by the board of directors of the North Dakota rural water systems association. The initial city members shall serve until the annual meeting of the North Dakota league of cities in 2003 and the initial water district members shall serve until the annual meeting of the North Dakota rural water systems association in 2004. A member may designate an alternate to attend meetings and to act on the member's behalf. The board of directors may designate associate members who are nonvoting members of the board. Notwithstanding the provisions of this section, within two years of the first delivery of water by the Red River valley water supply project, board members must be from a city or water district that has entered a water service contract with the Garrison Diversion Conservancy District.

**SECTION 5.** Board of directors - Officers - Meetings. The board of directors may adopt such rules and bylaws for the conduct of the business affairs of the authority as it determines necessary, including the time and place of regular meetings of the board and a dues structure for membership in the authority. The board shall elect from its members a chairman and a vice chairman. The board shall also elect a secretary and a treasurer, which offices may be held by the same individual, and either or both offices may be held by an individual who is not a member of the board. Special meetings of the board may be called by the secretary on order of the chairman or upon written request of a majority of the qualified members of the board. Notice of a special meeting must be mailed to each member of the board at least six days before the meeting, provided that a special meeting may be held at any time when all members of the board are present or consent in writing. The Garrison Diversion Conservancy District shall provide administrative, technical, and legal support for the authority.

**SECTION 6.** Authority of the district. The board of directors of the Lake Agassiz water authority may:

1. Sue and be sued in the name of the authority.
2. Exercise the power of eminent domain in the manner provided by title 32 for the purpose of acquiring and securing any rights, titles, interests, estates, or easements necessary or proper to carry out the duties imposed by sections 2 through 6 of this Act, and particularly to acquire the necessary rights in land for the construction of pipelines, reservoirs, connections, valves, pumping installations, or other facilities for the storage, transportation, or utilization of water and all other appurtenant facilities used in connection with the authority, or any part thereof.

3. Accept funds, property, and services or other assistance, financial or otherwise, from federal, state, and other public or private sources for the purpose of aiding and promoting the construction, maintenance, and operation of the authority.
4. Cooperate and contract with the state, its agencies, or its political subdivisions in research and investigation or other activities promoting the establishment, construction, development, or operation of the authority.
5. Appoint and fix the compensation and reimbursement of expenses of such employees as the board deems necessary to conduct the business and affairs of the authority and to procure the services of engineers and other technical experts, and to retain attorneys to assist, advise, and act for the authority in its proceedings.
6. Operate and manage the authority to distribute water throughout eastern North Dakota within or outside the territorial boundaries of the authority.
7. Sell or exchange any and all real property purchased or acquired by the authority. All money received from any such sale or exchange must be deposited to the credit of the authority and may be used to pay expenses of the authority.
8. Enter a contract for a supply of water from the Garrison Diversion Conservancy District and to sell, lease, and otherwise contract to furnish any such water for beneficial use to persons or entities within or outside the authority.
9. Borrow money as provided in sections 2 through 6 of this Act.
10. Issue and sell bonds in an amount or amounts determined by the board, including an amount or amounts for costs of issuance and financing, and any necessary reserve funds, for the purpose of financing the cost of a project.
11. Refund and refinance its bonds from time to time as often as it is advantageous and in the interest of the authority.
12. Pledge any and all income, profits, and revenues received by the authority in connection with the operation, lease, sale, or other disposition of all or any part of a project to secure the payment of bonds issued and sold to finance the project.
13. Prescribe, revise, and collect rates, fees, tolls, or charges for the services, facilities, or commodities furnished by the authority, and in anticipation of the collection of the revenues of the authority, issue revenue bonds to finance all or part of the costs of the acquisition, construction, reconstruction, improvement, betterment, or extension of a project.
14. Pledge revenues of the authority to the punctual payment of principal and interest on bonds. A pledge under this subsection applies to the revenues of improvements, betterments, or extensions of the authority which may be constructed or acquired after the issuance of bonds as well as the revenues of existing systems, plants, works, instrumentalities, and properties of any part of the authority improved, bettered, or extended.
15. Make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of its powers or in the performance of its covenants or duties or in order to secure the payment of its bonds, but an encumbrance, mortgage, or other pledge of property of the authority may not be created by any such contract or instrument.
16. Accept from any authorized federal agency loans or grants for the planning, construction, acquisition, lease, or other provision of a project, and to enter into agreements with the agency respecting the loan or grants.
17. Contract debts and borrow money, pledge property of the authority for repayment of indebtedness other than bonded indebtedness, and provide for payment of debts and expenses of the authority.

Property of the authority may not be liable to be forfeited or taken in payment of any bonds issued under sections 2 through 6 of this Act, and debt on the general credit of the authority may not be incurred in any manner for payment of bonds under sections 2 through 6 of this Act."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2259: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2259 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 2 of section 40-63-01 and"

Page 1, remove lines 4 through 24

Page 2, remove lines 1 through 5

Page 2, line 9, remove the overstrike over "~~Each city with a designated renaissance zone may establish a renaissance fund~~"

Page 2, line 10, after "~~corporation~~" insert "organization" and remove the overstrike over "~~if the detailed plan for such an organization is clearly established in~~"

Page 2, remove the overstrike over lines 11 through 13

Page 2, line 14, remove the overstrike over "2."

Page 2, line 16, after "city's" insert "designated renaissance", remove the overstrike over "~~zone~~", and replace "entities in a manner that will encourage capital investment in" with "cities"

Page 2, line 17, remove "the state"

Page 2, line 23, remove the overstrike over "3."

Page 2, line 26, remove "2."

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

Page 3, line 10, replace "4." with "5."

Page 3, line 24, after the overstruck period insert "6." and remove the overstrike over "~~income to a renaissance fund organization derived from the sale or refinancing of~~"

Page 3, remove the overstrike over lines 25 through 29

Page 4, line 1, replace "5." with "7."

Page 4, line 4, replace "6." with "8."

Page 4, line 12, replace "7." with "9."

Page 4, line 30, replace "8." with "10.", overstrike "invest" and insert immediately thereafter "make investments", and overstrike "any residential or commercial"

Page 4, line 31, overstrike "property", remove the overstrike over "a" and insert immediately thereafter "designated renaissance", remove the overstrike over "~~zone~~", and after "~~project~~" insert "city"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2272: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2272 was placed on the Sixth order on the calendar.

Page 1, line 6, after "rules" insert ", to become effective August 1, 2006,"

Page 1, line 7, replace "report a minimum of twelve hours of" with "obtain"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2275, as reengrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2275 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2282, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2282 was placed on the Sixth order on the calendar.

Page 2, line 30, remove ". The council shall prepare"

Page 2, remove line 31

Page 3, remove lines 1 through 4

Page 3, line 5, remove "recommendation submitted by the council"

Page 4, line 13, replace "interest rate may be established annually at a lower level" with "medical center advisory council may annually establish an interest rate at a level lower" and remove "to coincide with"

Page 4, line 14, remove "average federal Stafford loan interest rate"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2295: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2295 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2300: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2300 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2311, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2311 was placed on the Sixth order on the calendar.

Page 4, line 14, replace "two million" with "four thousand nine hundred"

Page 4, line 19, replace "two million" with "four thousand nine hundred"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2331: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2331 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and a new section to"

Page 1, line 2, remove "chapter 40-05" and replace "city and county" with "public"

Page 1, line 11, after "from" insert "county,"

Page 1, line 18, replace "mean" with "means"

Page 1, remove lines 20 through 24

Page 2, remove lines 1 through 9

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2344: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2344 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2346: 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 2346 was placed on the Sixth order on the calendar.

Page 1, line 6, remove the third "and"

Page 1, line 8, after "training" insert "; and to declare an emergency"

Page 2, line 2, overstrike "sheriffs, police departments,"

Page 2, line 3, overstrike "state's attorneys" and insert immediately thereafter "criminal justice agencies"

Page 4, line 5, remove the overstrike over "~~Division means the~~", after "division" insert "training section of the bureau of criminal investigation", and remove the overstrike over the second overstruck period

Page 4, line 6, after "4:" insert "3."

Page 4, line 16, replace "A" with "With the exception of the county government representative, the city government representative, and the director of the law enforcement training center, a"

Page 4, line 18, after "board" insert ", including an employee to serve as the secretary of the board and as an ex officio nonvoting member of the board"

Page 9, after line 4, insert:

**"SECTION 18. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2348: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2348 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 sections 10-33-148 and 10-33-149 and a new subsection to section 50-24.4-15 of the North Dakota Century Code, relating to transactions by nonprofit corporations that operate or control hospitals and nursing homes and property-related costs for nursing homes; to amend and reenact sections 10-33-144, 10-33-145, 10-33-146, and 10-33-147 of the North Dakota Century Code, relating to transactions by nonprofit corporations that operate or control hospitals or nursing homes; and to provide a continuing appropriation.

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

**SECTION 1. AMENDMENT.** Section 10-33-144 of the North Dakota Century Code is amended and reenacted as follows:

**10-33-144. Transaction by a nonprofit corporation ~~doing business as~~ operating or controlling a hospital or nursing home - Notice to attorney general - Waiting period.**



1. A nonprofit corporation ~~doing business as~~ operating or controlling a hospital or nursing home shall notify the attorney general in writing before closing an agreement or a transaction that will:
  - a. Sell, lease, transfer, exchange, option, convey, mortgage, create a security interest in, or otherwise dispose of to a for-profit organization corporation or entity if fifty percent or more of the assets or operations of the corporation doing business as a hospital or fifty percent or more of the assets or operations of a related organization of the selling corporation are involved in the agreement or transaction;
  - b. Sell, lease, transfer, exchange, option, convey, mortgage, create a security interest in, or otherwise dispose of any of the assets or operations of the corporation doing business as a hospital or any of the assets or operations of a related organization if the transaction or agreement will result in any for-profit organization owning or controlling fifty percent or more of the assets or operations of the corporation doing business as a hospital or fifty percent or more of the assets or operations of a related organization. Transfer control, responsibility, or governance of fifty percent or more of the assets or operations of the nonprofit corporation to a for-profit corporation or entity or another nonprofit corporation or entity; or
  - c. Result in any for-profit organization corporation or entity or another nonprofit corporation or entity having control of, governance of, or the power to direct management and policies of the nonprofit corporation doing business as operating or controlling a hospital, nursing home, or a related organization.
2. The substitution of a new corporate member that transfers the control of, responsibility for, or governance of the nonprofit corporation, the substitution of a member of the governing body, or any arrangement, written or oral, that would transfer voting control of the entity, is a transfer for purposes of this section.
3. This section applies to a foreign nonprofit corporation that operates or controls a hospital or nursing home within this state.
4. This section does not apply to the following transactions:
  - a. An action involving the enforcement or foreclosure of a security interest, lien, mortgage, judgment, or other creditor rights.
  - b. Agreements or transactions in the usual and regular course of the nonprofit corporation's business and activities.
5. The notice must be provided to the attorney general not less than ninety days before the closing date of the proposed agreement or transaction, and must include:
  - a. The names and addresses of the corporation doing business as a hospital, the for-profit organization, and all other parties to the proposed agreement or transaction;
  - b. The terms of the proposed agreement or transaction, including the proposed sale price;
  - c. A copy of the proposed agreement or transaction; and
  - d. ~~Information regarding whether a~~ Any financial or economic analysis by an expert or independent consultant ~~has been prepared concerning the degree to which the proposed agreement or transaction will serve the public interest, or concerning the fair market value of the corporation doing business as a hospital~~ retained by the nonprofit corporation which addresses the criteria set forth in section 10-33-145.
- 3- 6. A nonprofit corporation doing business as a hospital or nursing home may neither transfer nor convey any assets or control through an agreement or

transaction described in this section until ninety days after the corporation gives the attorney general notice required under this section, unless the attorney general waives all or part of the waiting period. ~~Before the end of the waiting period, the attorney general may extend the period up to sixty additional days by providing written notice of the extension to the corporation.~~ The waiting period may be extended for one or more additional sixty-day periods upon agreement between the corporation and the attorney general, or pursuant to a court order.

4. ~~The notice requirements of this section do not apply to a proposed agreement or transaction between related organizations serving the same or similar charitable purposes and are in addition to any notice requirements that may apply under section 10-33-122.~~

**SECTION 2. AMENDMENT.** Section 10-33-145 of the North Dakota Century Code is amended and reenacted as follows:

**10-33-145. Transaction by a nonprofit corporation ~~doing business as~~ or entity operating or controlling a hospital or nursing home - Attorney general's powers and duties - Experts - Continuing appropriation.**

1. Upon receipt of a notice under section 10-33-144, the attorney general may review and investigate the proposed agreement or transaction and may require the nonprofit corporation ~~doing business as~~ or entity operating or controlling a hospital or nursing home and the ~~for-profit organization~~ other parties to the agreement or transaction to provide to the attorney general any additional information relevant to the review or investigation of the proposed agreement or transaction.
2. Upon receipt of a notice under section 10-33-144, the attorney general may review the proposed agreement or transaction to determine whether consummation of the proposed agreement or transaction by the nonprofit corporation ~~doing business as~~ or entity operating or controlling a hospital or nursing home is consistent with the purposes of the nonprofit corporation or entity operating or controlling a hospital or nursing home and the fiduciary obligations of the ~~corporation doing business as a hospital~~ and the ~~obligations of the officers and directors of the nonprofit corporation doing business as or entity operating or controlling a hospital or nursing home~~ and is in accordance with law. The attorney general shall consider the following factors in reviewing and evaluating a proposed agreement or transaction:
  - a. Whether appropriate steps were taken by the nonprofit corporation ~~doing business as~~ or entity operating or controlling a hospital or nursing home to safeguard restricted assets transferred to the ~~for-profit organization~~ acquiring entity;
  - b. Whether appropriate steps were taken by the nonprofit corporation ~~doing business as~~ or entity operating or controlling a hospital or nursing home to ensure that any proceeds of the proposed agreement or transaction are used for charitable purposes consistent with restrictions placed on assets of and with the charitable purposes of the nonprofit corporation ~~doing business as~~ or entity operating or controlling a hospital or nursing home;
  - c. Whether the terms and conditions of the proposed agreement or transaction are fair and reasonable to the nonprofit corporation ~~doing business as~~ or entity operating or controlling a hospital or nursing home, including whether the nonprofit corporation ~~doing business as~~ or entity operating or controlling a hospital or nursing home will receive fair market value for ~~the its assets of the corporation~~ and, in a proposed agreement or transaction involving a nursing home, whether the proposed agreement or transaction constitutes a bona fide transaction;
  - d. Whether any conflict of interest or breach of fiduciary duty, ~~as determined by the attorney general~~, exists ~~and/or~~ was disclosed, including any conflict of interest or breach of fiduciary duty related to directors and officers of, executives of, and experts retained by the nonprofit corporation ~~doing business as~~ or entity operating or

- controlling a hospital, ~~the for-profit organization,~~ or nursing home and any other party to the agreement or transaction; ~~and~~
- e. Whether the agreement or transaction will result in inurement, pecuniary gain, or excess benefit to any person associated with ~~the nonprofit corporation doing business as~~ or entity operating or controlling a hospital or nursing home or to any other person;
  - f. Whether the transaction is in the best interests of the nonprofit corporation or entity operating or controlling a hospital or nursing home; and
  - g. Whether the transaction is authorized by the nonprofit corporation's governing documents.
3. For the purpose of reviewing and evaluating the factors identified in subsection 2, the attorney general may retain experts if necessary and reasonable and ~~shall~~ may obtain public comment regarding the proposed agreement or transaction. A contract entered by the attorney general with an expert under this section does not require a bid and is exempt from chapters 44-08 and 54-44.4. If the attorney general intends to seek payment from ~~the nonprofit corporation doing business as~~ or entity operating or controlling a hospital or nursing home for the cost of any expert retained under this subsection, at least five days before retaining that expert, the attorney general shall notify ~~the nonprofit corporation doing business as~~ or entity operating or controlling a hospital or nursing home of the expert cost projected to be incurred. A ~~nonprofit corporation doing business as~~ or entity operating or controlling a hospital or nursing home which receives notice under this subsection shall pay the reasonable cost of any retained expert. If the ~~nonprofit corporation doing business as~~ or entity operating or controlling a hospital or nursing home objects to paying the costs of an expert, the corporation or entity may seek a district court order limiting the corporation's or entity's liability for the costs. In determining whether to issue an order, the court shall consider whether the expert is necessary and reasonable and the cost of the expert relative to the value of the proposed agreement or transaction.
  4. Section 44-04-18.4 applies to any information provided to the attorney general under sections 10-33-144 through 10-33-147.
  5. All costs, fees, and other moneys received under sections 10-33-144 through 10-33-149 must be deposited into the attorney general's operating fund. The moneys in the fund are appropriated to pay the costs incurred in the attorney general's performance of responsibilities pursuant to sections 10-33-144 through 10-33-149.

**SECTION 3. AMENDMENT.** Section 10-33-146 of the North Dakota Century Code is amended and reenacted as follows:

**10-33-146. Transaction by a nonprofit corporation ~~doing business as~~ or entity operating or controlling a hospital or nursing home - Notice of decision - Public meeting - Meeting notice.** ~~Before the attorney general approves, denies, or takes any other action on a proposed agreement or transaction under section 10-33-144 or 10-33-145~~ Within ninety days of receipt of the written notice required under section 10-33-144, and such other additional extension of time permitted or provided under section 10-33-144, the attorney general shall notify, in writing, the ~~nonprofit corporation doing business as~~ or entity operating or controlling a hospital or nursing home of the attorney general's decision to approve, deny, or take any other action on the proposed agreement or transaction. Before issuing a written decision under this section, the attorney general ~~shall~~ may conduct ~~at least one or more public hearing~~ hearings, one of which must be held in the county where the ~~corporation doing business as a~~ hospital or nursing home is located. At a public hearing under this section, the attorney general shall request and receive comments from any interested person regarding the proposed agreement or transaction. At least fourteen days before a public hearing under this section, the attorney general shall provide notice of the meeting by publication in the official newspaper of the city in which the ~~corporation doing business as a~~ hospital or nursing home is located. The attorney general shall also provide notice of the meeting to the governing body of the county in which the ~~corporation doing business as a~~ hospital or nursing home is located, if applicable, and to the governing body of the city in which the ~~corporation doing business as a~~ hospital or nursing home is located, if

applicable. Any party to the agreement may institute legal proceedings in the district court of the county in which the hospital or nursing home is located to review the attorney general's decision. In a district court action brought under this section, the attorney general's decision is subject to de novo review by the court. In a proceeding under this section, the attorney general must be served with notice and is entitled to be heard. If the attorney general substantially prevails in a proceeding under this section, the attorney general is entitled to an award of attorney's fees, investigation fees, costs, and expenses of any investigation and proceeding under this section. The court shall award attorney's fees to the attorney general under this section based upon the hourly rates the attorney general charges to state agencies for the attorney general's legal services. A court may not apply the limitation on the rate of the attorney general's attorney's fees under this section as a limitation on an award of attorney's fees to the attorney general under any other section.

**SECTION 4. AMENDMENT.** Section 10-33-147 of the North Dakota Century Code is amended and reenacted as follows:

**10-33-147. Transaction by a nonprofit corporation ~~doing business as~~ or entity operating or controlling a hospital or nursing home - Attorney general decision.** The attorney general may bring proceedings to secure compliance with ~~section~~ sections 10-33-144 through 10-33-149 in the district court of the county in which the hospital or nursing home is located. If the attorney general determines consummation of the proposed transaction or agreement is not consistent with the fiduciary obligations of the nonprofit corporation ~~doing business as~~ or entity operating or controlling a hospital or nursing home and the corporation's officers and directors, or is not in accordance with law, the attorney general may bring proceedings in the district court of the county in which the hospital or nursing home is located to enjoin the consummation of the proposed transaction or agreement or to secure any other relief available under the law. In a district court action brought under this section, the attorney general's decision is subject to de novo review by the court. If the attorney general substantially prevails in an action brought under this section, the attorney general is entitled to an award of attorney's fees, investigation fees, costs, and expenses of any investigation and action brought under this section. The court shall award attorney's fees to the attorney general under this section based upon the hourly rates the attorney general charges to state agencies for the attorney general's legal services. A court may not apply the limitation on the rate of the attorney general's attorney's fees under this section as a limitation on an award of attorney's fees to the attorney general under any other section. Failure of the attorney general to take action on a proposed agreement or transaction described in ~~section~~ sections 10-33-144 through 10-33-149 does not constitute approval of the transaction and does not prevent the attorney general from taking other action.

**SECTION 5.** Section 10-33-148 of the North Dakota Century Code is created and enacted as follows:

**10-33-148. Investigation - Subpoena - Hearing - Powers of the attorney general.** In discharging the attorney general's responsibilities under sections 10-33-144 through 10-33-149, and in connection with the public hearing provided for in section 10-33-146, the attorney general may conduct investigations, issue subpoenas to any person directly related to the proposed agreement or transaction, and conduct hearings in aid of an investigation or inquiry.

**SECTION 6.** Section 10-33-149 of the North Dakota Century Code is created and enacted as follows:

**10-33-149. Authority of the attorney general or a court is not impaired.** Sections 10-33-144 through 10-33-148 are in addition to, and do not supersede, any other authority of the attorney general established by statute, case law, or common law.

**SECTION 7.** A new subsection to section 50-24.4-15 of the North Dakota Century Code is created and enacted as follows:

Recognize any mandated costs, fees, or other moneys paid to the attorney general through transactions under sections 10-33-144 through 10-33-149."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2354: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). SB 2354 was placed on the Sixth order on the calendar.

Page 1, line 20, replace "for the purchases" with "in an amount up to twenty-five percent of the total purchase price"

Page 1, line 21, replace "twenty" with "ten"

Page 2, line 2, replace "\$2,800,000" with "\$1,400,000"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

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

Page 1, line 4, replace "and" with "to provide for a legislative council study;" and after "application" insert "; and to provide an expiration date"

Page 1, line 11, after the second "a" insert "nonrailroad"

Page 1, line 18, after "the" insert "nonrailroad"

Page 2, line 4, after "damage" insert "other than property damage subject to Public Law No. 104-88 [109 Stat. 847; 49 U.S.C. 11706]"

Page 2, after line 9, insert:

"3. Notwithstanding any other provision of law, a railroad may require indemnification of and is not liable for any loss, liability, or damage to any purchaser, lessee, licensee, or other contracting party, their employees, agents, or invitees."

Page 2, line 13, after "whatsoever" insert "with"

Page 2, line 24, remove "lease"

Page 2, line 25, replace "right-of-way leases for any purpose" with "proposed agreements"

Page 2, line 26, replace "lessees" with "a nonrailroad purchaser, lessee, or other user for any purpose, of a right of way"

Page 2, line 27, after "any" insert "term of a proposed right-of-way purchase agreement, crossing agreement,"

Page 2, line 28, remove "right-of-way", replace the first "term" with an underscored comma, and replace "term is" with "agreement, or other agreement for use of right of way, including the purchase price, fee, or rent to be paid are"

Page 2, line 29, after the first "the" insert "nonrailroad purchaser," and after the underscored comma insert "or other users, or do not equate to fair market value in the vicinity,"

Page 2, line 30, replace "lease" with "agreement" and replace "modified to the extent necessary" with "prescribe modifications to that term so as"

Page 3, after line 9, insert:

**"SECTION 4. LEGISLATIVE COUNCIL STUDY - ABANDONED AND SURPLUS RAILROAD RIGHTS OF WAY.** The legislative council shall consider studying, during the 2003-04 interim, the sale and lease of abandoned and surplus railroad rights of way. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly."

Page 3, after line 13, insert:

**"SECTION 6. EXPIRATION DATE.** This Act is effective through July 31, 2005, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2368: 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 2368 was placed on the Sixth order on the calendar.

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

Page 1, line 2, after "estimates" insert "and future assessments on annexed property"

Page 1, line 17, after the period insert "The audit report is not required if the costs of an improvement exceed the costs of the work as contained in the engineer's estimate by seventy percent or more because of a petition to enlarge the district under section 40-22-09 or a request for additional work within the district by the owners of a majority of the area of the property in the district."

Page 1, after line 18, insert:

**"SECTION 2.** A new section to chapter 40-23 of the North Dakota Century Code is created and enacted as follows:

**Future assessments on annexed property.** The special assessment commission shall prepare and file with the city auditor a list of estimated future assessments on property located outside the corporate limits of the city at the time of contracting for an improvement but which the special assessment commission determines is potentially benefited by the improvement and likely to be annexed to the city."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2374: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2374 was placed on the Sixth order on the calendar.

Page 5, line 11, replace "six" with "five"

Page 5, line 14, remove "and one tenths"

Page 5, line 16, replace "six" with "five"

Page 5, line 17, remove "and not in excess of thirty"

Page 5, line 18, remove "thousand dollars,", replace "six" with "five", and replace "four-tenths" with "nine-tenths"

Page 5, remove lines 19 and 20

Page 7, line 29, after "on" insert "the following formula. Seventy-five percent of the total must be distributed based on the relative amount that each county received in financial institutions tax revenue in calendar year 2000 and twenty-five percent must be distributed based on"

Page 11, line 17, replace "six" with "seven" and replace "nine-tenths" with "two-tenths"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2380: 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 2380 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide an appropriation"

Page 2, line 25, remove "The board"

Page 2, remove lines 26 through 31

Page 3, remove lines 1 through 4

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment removes the \$500,000 general fund appropriation to the Value-added Agriculture Promotion Board for providing grants to irrigation districts and to producers and processors of high-value crops, including vegetables.

**REPORT OF STANDING COMMITTEE**

**SB 2394: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2394 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 chapter 16.1-02 and two new sections to chapter 16.1-05 of the North Dakota Century Code, relating to providing a central voter file, verifying voter eligibility, and creating precinct maps and precinct locators; to amend and reenact sections 16.1-01-04, 16.1-05-06, and 54-09-08 of the North Dakota Century Code, relating to qualifications of voters, challenging voters, and fees received by the secretary of state; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 16.1-01-04 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-01-04. Qualifications of electors.**

1. Every citizen of the United States who is: eighteen years or older; a resident of this state; and has resided in the precinct at least thirty days next preceding any election, except as otherwise provided in regard to residency in chapter 16.1-14, is a qualified elector.
2. ~~Every~~ For the purposes of this title, every qualified elector ~~of the state~~ may have only one ~~voting~~ residence, shown by an actual fixed permanent dwelling or establishment.
3. ~~A person's voting~~ Except as otherwise provided in this section, an individual's residence must be determined in accordance with the rules for determining residency as provided in section 54-01-26.
4. Pursuant to section 2 of article II of the Constitution of North Dakota, voting by ~~persons~~ individuals convicted and sentenced for treason or felony must be limited according to chapter 12.1-33.
5. For the purposes of this title, an individual may not be deemed to have gained or lost a residence solely by reason of the individual's presence or absence while enrolled as a student at a college, university, or other postsecondary institution of learning in this state.
6. For the purposes of this title, a member of the armed forces of the United States may not be deemed to have gained or lost a residence in this state solely by reason of the member being stationed on duty in this state.
7. For the purposes of this title, an individual may not be deemed to have lost residence in the individual's precinct or in the state by reason of the individual engaging in temporary government service or private employment outside the individual's precinct or outside the state.

**SECTION 2.** Chapter 16.1-02 of the North Dakota Century Code is created and enacted as follows:

16.1-02-01. Permanent central voter file. A permanent, centralized electronic data base of voters, to be known as the central voter file, is established with the offices of the secretary of state and county auditors linked together by a centralized statewide system. The county auditor is chief custodian of the central voter file records in each county. The secretary of state is responsible for maintaining the central voter file. The central voter file must be accessible by the secretary of state and all county auditors for purposes of preventing and determining voter fraud, making changes and updating the central voter file, and generating information, including pollbooks, reports, inquiries, forms, and voter lists.

16.1-02-02. Costs of creating and maintaining a central voter file. The creation of the central voter file and its maintenance through June 30, 2009, must be paid for with funds from the state's election fund, provided the election fund contains adequate funding to create and maintain the central voter file. The creation of the central voter file and its maintenance through June 30, 2009, may not be paid for from funds in the secretary of state's budget, the state's general fund, or from county funds. Beginning July 1, 2009, the office required to perform the functions and duties of this chapter shall bear the costs incurred and the secretary of state shall pay the costs of operating and maintaining the central voter file.

16.1-02-03. Secretary of state to establish the central voter file with department of transportation and county auditors.

1. Before the primary election in 2004, the secretary of state shall establish the central voter file in cooperation with the department of transportation and county auditors.
2. The secretary of state shall establish the initial central voter file from records maintained by the department of transportation. Each county auditor shall compare the initial central voter file against all precinct pollbooks used in the auditor's county during and created from the general elections in 2000 and 2002 and any reasonably reliable updates made by the county auditor since the general elections in 2000 and 2002. Any individual contained in the initial central voter file who voted at either the general election in 2000 or 2002 must be designated as "active" in the initial central voter file. Any individual contained in the initial central voter file who did not vote at either the general election in 2000 or 2002 must be designated as "inactive" in the initial central voter file.
3. Each individual contained in the initial central voter file must be assigned a unique identifier. An individual's unique identifier must be created from unique information and data obtained from records maintained by the department of transportation and the pollbooks from the general elections in 2000 and 2002. If it is not possible to assign a unique identifier to an individual contained in the initial central voter file, a unique identifier must be randomly generated and assigned to the individual.
4. The secretary of state shall adopt rules for generating and assigning a unique identifier to each individual contained in the central voter file according to section 16.1-02-11 and subsection 3 of section 16.1-01-01.
5. When establishing the initial central voter file from the records maintained by the department of transportation and the pollbooks from the general elections in 2000 and 2002, the secretary of state and county auditors shall attempt to correct address errors and misspellings of names.

16.1-02-04. Precinct boundaries changed - Change to the central voter file. When the boundaries of a precinct are changed, the county auditor shall immediately update the voter records for that precinct in the central voter file to accurately reflect those changes.

16.1-02-05. Entry of new voters into the central voter file - Query of the central voter file for double voting - Verification by mail - Challenges - Post election verification.

1. Within sixty days following an election, the county auditor shall enter the name and required information of each individual who voted at the last election who is not already contained in the central voter file and update any required information requested and obtained at the last election for any individual contained in the central voter file.



2. The secretary of state, with the assistance of the county auditors, within seventy days following an election, shall query the central voter file to determine if any individual voted more than once during the preceding election. The secretary of state shall immediately notify the county auditor and state's attorney in each affected county for further investigation.
3. The county auditor shall mail to a random sampling of individuals contained in the central voter file a notice stating the individual's name and address as the name and address appear in the central voter file. The random sampling must be determined in the manner established by the secretary of state. The notice must request the individual to notify the county auditor if there is any mistake in the information.
4. Upon return of any nonforwardable mail from an election official, the county auditor shall ascertain the name and address of that individual. If the individual is no longer at the address recorded in the central voter file, the county auditor shall designate the individual as "challenged" in the central voter file. An individual designated as "challenged" shall comply with section 16.1-05-06 before being allowed to vote at the next election in that precinct. If a notice mailed at least sixty days after the return of the first nonforwardable mail is also returned by the postal service, the county auditor shall designate the individual as "inactive" in the central voter file.
5. Within ninety days after an election, the county auditor shall send the notice provided for under subsection 3 to each individual who was challenged on election day according to section 16.1-05-06. If a notice is returned as not deliverable, the county auditor shall attempt to determine the reason for the return. A county auditor who does not receive or obtain satisfactory proof of an individual's eligibility to vote shall immediately notify the state's attorney to conduct an investigation of the individual's eligibility to vote in that election.

16.1-02-06. Reporting deceased individuals and changes of names - Changes to records in the central voter file.

1. The state health officer shall provide for the regular reporting to the secretary of state the name, city, date of birth, and county of residence, if available, of each individual eighteen years of age or older who has died while maintaining residence in this state since the last report. Within thirty days after receiving a report, the secretary of state shall designate each individual included in the report as "deceased" in the central voter file. The secretary of state shall prepare and distribute a list of individuals designated as "deceased" to each county auditor.
2. The state health officer shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older whose name was changed by marriage since the last report. Within sixty days after receiving a report, the secretary of state shall make the name changes in the central voter file and notify by mail each individual whose name was changed that the individual's name has been changed accordingly in the central voter file. The secretary of state shall prepare and distribute a list of those individuals to each county auditor.
3. After receiving notice of death of an individual who has died outside the county, the county auditor shall designate that individual as "deceased" in the central voter file. Notice must be in the form of a printed obituary or a written statement signed by an individual having knowledge of the death of the individual.

16.1-02-07. Reporting individuals placed under guardianship and changes of names - Changes to records in the central voter file.

1. The state court administrator shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older who has been placed under a guardianship and as a result has been deprived of the legal right to vote since the last report. Within thirty days after receiving a report, the secretary of state shall designate each individual included in the report as "ineligible" in the central voter file. The

secretary of state shall prepare and distribute a list of individuals designated as "ineligible" to each county auditor.

2. The state court administrator shall provide for the regular reporting to the secretary of state the name, address, and date of birth, if available, of each individual eighteen years of age or older whose legal right to vote has been restored by the court since the last report. Within thirty days after receiving a report, the secretary of state shall remove the "ineligible" designation of the individual in the central voter file. The secretary of state shall prepare and distribute a list of those individuals to each county auditor.
3. The state court administrator shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older whose name was changed by divorce or any order or decree of the court since the last report. Within sixty days after receiving the report, the secretary of state shall make the name changes in the central voter file and notify by mail each individual whose name was changed that the individual's name has been changed accordingly in the central voter file. The secretary of state shall prepare and distribute a list of those individuals to each county auditor.

16.1-02-08. Reporting incarcerations - Changes to records in the central voter file.

1. The director of the department of corrections and rehabilitation shall provide for the regular reporting to the secretary of state the name, address, date of birth, date of sentence, effective date of the sentence, and county in which the conviction occurred, if available, of each individual who has been convicted of a felony and incarcerated under the legal and physical custody of the department of corrections and rehabilitation since the last report. Within thirty days after receiving a report, the secretary of state shall designate each individual in the report as "ineligible" in the central voter file. The secretary of state shall prepare and distribute a list of those individuals to each county auditor.
2. The director of the department of corrections and rehabilitation shall provide for the regular reporting to the secretary of state the name, address, and date of birth, if available, of each individual previously convicted of and incarcerated for a felony whose civil rights have been restored as provided in chapter 12.1-33 since the last report. Within thirty days after receiving a report, the secretary of state shall remove the "ineligible" designation of the individual in the central voter file. The secretary of state shall prepare and distribute a list of those individuals to each county auditor.

16.1-02-09. Department of transportation to report updates to the secretary of state - Changes to records in the central voter file.

1. The department of transportation shall report regularly to the secretary of state any relevant changes and updates to records maintained by the department of transportation which may require changes and updates to be made to records of individuals contained in the central voter file.
2. The county auditor may change the designation of individuals contained in the central voter file whose change of address can be confirmed by the United States postal service. The secretary of state may provide each county auditor with periodic reports on any individual whose change of address can be confirmed by the United States postal service.
3. If an individual makes a written request to the county auditor for removal of the individual's record from the central voter file, the county auditor shall change the designation of the individual contained in the central voter file to "inactive".
4. If a qualified elector makes a written request to the county auditor for inclusion in the central voter file, the county auditor shall collect the required information from the individual and add the individual's name to the central voter file with the designation of "inactive".

16.1-02-10. Posting voting history - Failure to vote - Individuals designated "inactive". Within ninety days after each election, each county auditor shall post the voting history for each individual who voted in the election. After the close of the 2008 calendar year, the secretary of state shall determine if any individual has not voted during the preceding four years and shall change the status of each such individual to "inactive" in the central voter file. The secretary of state shall prepare a report to each county auditor which contains the name of each individual who has been designated as "inactive" in the central voter file. Although not counted in an election, a late absentee ballot from an individual may not be used to designate an individual as "inactive" in the central voter file.

16.1-02-11. Secretary of state to adopt rules for the purpose of maintaining the central voter file. The secretary of state shall adopt rules and procedures according to subsection 3 of section 16.1-01-01 for the purpose of implementing this chapter and for updating and maintaining the central voter file. The rules must:

1. Provide for the establishment and maintenance of a central voter file.
2. Provide for the generation and assignment of a unique identifier to each individual contained in the central voter file.
3. Provide procedures for entering data into the central voter file.
4. Provide for any additional information to be requested of and obtained from an individual which is to be maintained in the central voter file, not already provided by law, but necessary for the proper administration of the central voter file.
5. Provide for the exchange of records maintained by the appropriate state and county agencies and officials for receiving regular reports regarding individuals and records of individuals contained in the central voter file.
6. Allow each county auditor and the secretary of state to add, modify, and delete information from the central voter file to ensure accurate and up-to-date records.
7. Allow each county auditor and the secretary of state to have access to the central voter file for review, search, and inquiry capabilities.
8. Provide security and protection of all information contained in the central voter file and to ensure that unauthorized access and entry is prohibited.
9. Provide a system for each county to identify the precinct to which an individual should be assigned for voting purposes.

16.1-02-12. Information contained and maintained in the central voter file. The central voter file must contain the following information for each individual included in the file:

1. The complete name of the individual.
2. The complete residential address of the individual.
3. The complete mailing address of the individual, if different from the individual's residential address.
4. The unique identifier generated and assigned to the individual.
5. A designation showing whether the individual's ability to vote in a precinct has been inactivated as a result of death, incarceration, or because of a change in guardianship status, or because the individual is no longer a resident of the precinct according to section 16.1-01-04.
6. A designation showing whether the individual must be challenged according to section 16.1-05-06.
7. The county, legislative district, precinct name, and precinct number in which the individual resides.
8. Beginning in 2008, four years of an individual's voting history, if applicable.

9. Any other information requested of and obtained from the individual deemed necessary by the secretary of state for the proper maintenance of the central voter file.

16.1-02-13. Information contained in pollbooks generated from the central voter file. The county auditor shall generate a pollbook for each precinct in the county from the central voter file by the fifteenth day before an election. Between the fifteenth day before the election and the day of the election, no changes or updates to records of individuals contained in the central voter file or a pollbook generated from the central voter file may be made, other than changes related to the status of an individual voting early or an individual requesting and returning an absent voter's ballot. The secretary of state shall prescribe procedures for generating pollbooks and for transporting the pollbooks to the election judges for use on election day. Pollbooks generated from the central voter file must contain the following information for each individual contained therein:

1. The complete name of the individual.
2. The complete residential address of the individual.
3. The unique identifier generated and assigned to the individual.
4. A designation showing whether the individual's ability to vote in a precinct has been inactivated as a result of death, incarceration, or because of a change in guardianship status, or because the individual is no longer a resident of the precinct according to section 16.1-01-04.
5. A designation showing whether the individual must be challenged according to section 16.1-05-06.
6. The county, legislative district, precinct name, and precinct number in which the individual resides.
7. Any other information requested of and obtained from the individual deemed necessary by the secretary of state for the proper maintenance of the pollbook.

16.1-02-14. Voter lists and reports to be made available for jury management. By February first of each year, the secretary of state shall transmit information from the central voter file to the state court administrator for the purpose of compiling the master list of jurors under chapter 27-09.

16.1-02-15. Voter lists and reports may be made available for election related purposes - Funds received. Except as otherwise provided by law, a voter list or a report generated from the central voter file may be made available to a candidate, political party, or a political committee for election-related purposes. Any information obtained by a candidate, political party, or political committee for election-related purposes from a list or report generated from the central voter file may not be sold or distributed for a purpose that is not election-related. Except for information identified in the central voter file under subsections 1, 2, 3, 5, 7, and 8 of section 16.1-02-12, which may be made available to a candidate, political party, or political committee for election-related purposes, information in the central voter file is an exempt record. Any funds received by the secretary of state to pay the cost of producing a report or list of voters contained in the central voter file must be deposited in the secretary of state's general services operating fund.

16.1-02-16. Violations - Penalties.

1. An individual may not intentionally:
  - a. Remove an individual from the central voter file or change a record of an individual contained in the central voter file in a manner or for a purpose not authorized by law; or
  - b. Add a name of an individual to the central voter file or add a record of an individual contained in the central voter file in a manner or for a purpose not authorized by law.

2. A deputy, clerk, employee, or other subordinate of a county auditor who has knowledge or reason to believe that a violation of this chapter has occurred shall immediately transmit a report of the knowledge or belief to the county auditor, together with any evidence of the violation. A county auditor who has knowledge or reason to believe that a violation of this chapter has occurred shall immediately transmit a report of the knowledge or belief to the state's attorney of the county where the violation is believed to have occurred, together with any evidence of the violation. The county auditor shall also immediately send a copy of the report to the secretary of state.
3. An individual who intentionally violates any provision of this chapter is guilty of a class A misdemeanor, unless a different penalty is specifically provided by law.

**SECTION 3. AMENDMENT.** Section 16.1-05-06 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-05-06. Challenging right of person to vote - Identification or affidavit required - Penalty for false swearing - Optional poll checkers.**

1. One poll challenger appointed by the district chairman of each political party represented on the election board is entitled to be in attendance at each polling place. Individual poll challengers may be replaced at any time during the hours of voting, but no more than one poll challenger from each political party is entitled to be in attendance at each polling place at any one time.
2. ~~The members~~ Any member of the election board ~~and poll challengers~~ may challenge the right of ~~anyone~~ an individual to vote ~~whom they know or have~~ if the election board member has knowledge or has reason to believe ~~the individual is not a qualified elector.~~ Members A poll challenger may request members of the election board or poll challengers may to challenge a voter if they know or have the right of an individual to vote if the poll challenger has knowledge or has reason to believe the individual is not a qualified elector of the precinct. A challenge may be based upon any one of the following:
  - a. ~~The person~~ individual offering to vote does not meet the age or citizenship requirements.
  - b. ~~The person~~ individual offering to vote has never voted in the precinct before, the name of the individual offering to vote does not appear in the pollbook generated from the central voter file, and the individual fails to provide reasonable evidence of residency in the precinct.
  - c. Except as provided in section 16.1-01-05, ~~the person~~ individual offering to vote physically resides outside of the precinct.
  - d. ~~The person~~ individual offering to vote does not meet the residency requirements provided in section ~~16.1-01-05~~ 16.1-01-04.
3. ~~A poll challenger or~~ If after an election board member may request has requested that the person ~~individual~~ offering to vote provide an appropriate form of identification to address any of the voting eligibility concerns listed in subsection 2. ~~If and the identification provided does not adequately resolve confirm the voter eligibility concerns of the poll challenger or election board member of the challenged individual, the challenged person~~ individual may not vote unless the challenged person individual executes an affidavit, acknowledged before the election inspector, that the challenged person individual is a legally qualified elector of the precinct.
4. The affidavit must include:
  - a. The name and present address of the affiant and the address of the affiant at the time the affiant last voted.
  - b. The previous last name of the affiant if it was different when the affiant last voted.

- c. A recitation of the qualifications for voting as set forth in section 16.1-01-04 and the rules for determining residence.
  - d. Notice of the penalty for making a false affidavit and that the county auditor may verify the affidavit.
  - e. A place for the affiant to sign and swear to the affiant's qualifications as a voter.
5. Written notice of the penalty for making a false affidavit and that the county auditor may verify the affidavits must also be prominently displayed at the polling place in a form prescribed by the secretary of state. ~~Any person~~ An individual who falsely swears in order to vote is guilty of a class A misdemeanor and must be punished pursuant to chapter 16.1-01.
  6. ~~The county auditor shall verify randomly at least ten percent of the affidavits signed in the county and shall report all known or suspected violations to the state's attorney for investigation and possible prosecution.~~
  7. In addition to the poll challenger, not more than two poll checkers appointed by the district chairman of each political party represented on the election board may be in attendance at each polling place, provided ~~such~~ the poll checkers do not interfere with the election process or with the members of the election board in the performance of their duties. The poll challengers and poll checkers must be qualified electors of the district in which they are assigned.
  8. 7. No poll challenger or checker may be a member of the election board.
  8. The district chairman shall notify the county auditor of each county contained in the legislative district before the third day before the day of the election of the names of individuals whom the district chairman has appointed to serve as poll challengers and poll checkers in the precincts in the legislative district.

**SECTION 4.** A new section to chapter 16.1-05 of the North Dakota Century Code is created and enacted as follows:

Poll clerks to check identification and verify eligibility - Poll clerks to request, correct, and update incorrect information contained in the pollbook.

1. Before delivering a ballot to an individual according to section 16.1-13-22, the poll clerks shall request the individual to show a driver's license issued by the state, another form of identification displaying a photograph of the individual and the individual's date of birth, or another appropriate form of identification prescribed by the secretary of state which displays the individual's date of birth. After verifying that the individual's name is contained in the pollbook generated from the central voter file, poll clerks shall verify the individual's residential address and mailing address, if different from the individual's residential address.
2. If the individual's name is not contained in the pollbook generated from the central voter file, the individual may be challenged according to section 16.1-05-06 and the individual's name must be recorded in the pollbook. The poll clerks shall request and obtain any additional information for the individual required to be included in the pollbook.
3. When verifying an individual's eligibility or when entering the name of an individual into the pollbook, poll clerks shall request, correct, and update any incorrect or incomplete information about an individual that is required to be contained in the pollbook generated from the central voter file.
4. Poll clerks shall direct an individual who is attempting to vote in the incorrect precinct to the proper precinct and voting location.

**SECTION 5.** A new section to chapter 16.1-05 of the North Dakota Century Code is created and enacted as follows:

County auditor to provide election board members with precinct maps or precinct finder. The county auditor shall provide each precinct election board with an

accurate precinct map or precinct finder to assist the election board member in determining whether an address is located in that precinct and for determining which precinct and polling location to which to direct an individual who may be attempting to vote incorrectly in that precinct.

**SECTION 6. AMENDMENT.** Section 54-09-08 of the North Dakota Century Code is amended and reenacted as follows:

**54-09-08. Secretary of state's general services operating fund.** The secretary of state's general services operating fund is a special fund in the state treasury. Moneys in the fund are to be used pursuant to legislative appropriations for the provision of services under section 16.1-02-15, subsection 6 of section 41-09-94, subsection 9 of section 54-09-04, and sections 54-09-10 and 54-09-11. At the close of each fiscal year, the secretary of state shall transfer any unobligated balance remaining in the fund exceeding seventy-five thousand dollars to the general fund."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2398: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2398 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

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

**REPORT OF STANDING COMMITTEE**

**SB 2405: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2405 was placed on the Sixth order on the calendar.

Page 3, line 4, remove "or"

Page 3, line 5, replace "legislative district for which the" with "an individual nominated for legislative office will not be a resident of the legislative district at the time of the election;  
or

d. Ceases to be qualified to serve, if elected, as otherwise provided by law."

Page 3, remove line 6

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2408: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2408 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 relating to North Dakota state university conducting activities pertaining to transgenic wheat.

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

**SECTION 1. NORTH DAKOTA STATE UNIVERSITY - ACTIVITIES PERTAINING TO TRANSGENIC WHEAT.** North Dakota state university shall conduct research pertaining to transgenic wheat. The research must include varietal development and testing, segregation protocols, domestic and international market development, producer and consumer preferences, and methods to minimize outcrossing with nontransgenic wheat and weeds. North Dakota state university shall consult with and serve as a resource to state and federal agencies regarding the commercialization of transgenic wheat after the receipt of all requisite regulatory approvals and may consult with and serve as a resource to public and private agencies in the pursuit of international market maintenance and development."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2409: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2409 was placed on the Sixth order on the calendar.

Page 1, line 12, remove "and"

Page 1, line 15, after "machines" insert "; and to declare an emergency"

Page 14, line 6, overstrike "and before and after the counting of the ballots at"

Page 14, line 7, overstrike "each election"

Page 14, line 8, overstrike ", programs,"

Page 23, after line 5, insert:

**"SECTION 32. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2410: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2410 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2413: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2413 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4021: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SCR 4021 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Mathern and Rep. Porter introduced:

**SCR 4032:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of enacting legislation authorizing perpetual conservation easements. Was read the first time and referred to the **Natural Resources Committee**.

Sen. Christenson introduced:

**SCR 4033:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of redesignating the Four Bears Memorial Bridge as the Medal of Honor Bridge.

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

Sen. Christenson introduced:

**SCR 4034:** A concurrent resolution directing the Legislative Council to study racial issues within the North Dakota public higher education system and determine what can be done to reduce or eliminate racial tensions at public higher education facilities within North Dakota.

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

Sen. Christenson introduced:

**SCR 4035:** A concurrent resolution directing the Legislative Council to study legislative alternatives to foster and promote economic development in areas on or near the Indian reservations in North Dakota, including rural areas near Indian reservations.

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

#### FIRST READING OF HOUSE BILLS

**HB 1088:** A BILL for an Act to create and enact three new sections to chapter 27-05.2 of the North Dakota Century Code, relating to establishment of a court facilities improvement and maintenance fund and court facilities improvement advisory committee; to amend



and reenact section 27-05.2-03 of the North Dakota Century Code, relating to fees charged by the clerk of the district court; and to provide a continuing appropriation.

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

**HB 1096:** A BILL for an Act to create and enact a new subdivision to subsection 31 of section 52-01-01 and a new subdivision to subsection 2 of section 52-04-07 of the North Dakota Century Code, relating to the definition of wages and to payment of unemployment compensation benefits; to amend and reenact section 52-01-02, subdivision b of subsection 2 of section 52-04-07, sections 52-04-09 and 52-04-10, subsection 8 of section 52-06-02, and subdivision d of subsection 2 of section 52-06-04 of the North Dakota Century Code, relating to unemployment compensation records and payment of and eligibility for unemployment compensation benefits; and to provide a penalty.

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

**HB 1232:** A BILL for an Act to amend and reenact section 47-16-07.1 of the North Dakota Century Code, relating to security deposits for the lease of real property or a dwelling.

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

**HB 1261:** A BILL for an Act to amend and reenact subdivision h of subsection 2 of section 39-04-18 and section 39-12-04 of the North Dakota Century Code, relating to the width of forage harvesters and the registration of nonresident harvest vehicles; and to declare an emergency.

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

**HB 1262:** A BILL for an Act to create and enact a new section to chapter 11-11 of the North Dakota Century Code, relating to members of a board of county commissioners serving on other boards.

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

**HB 1263:** A BILL for an Act to amend and reenact section 32-03.2-02.1 of the North Dakota Century Code, relating to automobile accident damage liability.

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

**HB 1264:** A BILL for an Act to create and enact a new section to chapter 26.1-26 of the North Dakota Century Code, relating to a controlled insurance business.

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

**HB 1266:** A BILL for an Act to amend and reenact sections 51-07-01, 51-07-01.1, and 51-07-03 of the North Dakota Century Code, relating to contract remedies for termination of certain retail contracts; and to repeal section 51-07-02 of the North Dakota Century Code, relating to calculation of costs for merchandise of certain retail contracts.

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

**HB 1267:** A BILL for an Act to amend and reenact section 14-07-08 of the North Dakota Century Code, relating to the liabilities of a husband and wife for medical care debts.

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

**HB 1269:** A BILL for an Act to create and enact a new section to chapter 57-36 of the North Dakota Century Code, relating to the sale and distribution of tobacco products manufactured by tobacco product manufacturers not in compliance with state or federal law; and to declare an emergency.

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

**HB 1270:** A BILL for an Act to amend and reenact section 6-06-14 of the North Dakota Century Code, relating to reports of credit committees of credit unions.

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

**HB 1273:** A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the payment of signing bonuses by school boards.

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

**HB 1275:** A BILL for an Act to amend and reenact section 54-01.1-03 of the North Dakota Century Code, relating to moving and related expenses as a result of projects undertaken by a state agency.

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

**HB 1276:** A BILL for an Act to amend and reenact subdivision d of subsection 8 of section 10-04-06 of the North Dakota Century Code, relating to securities exempt from registration.

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

**HB 1277:** A BILL for an Act to amend and reenact section 39-06-16 of the North Dakota Century Code, relating to the display of a motor vehicle operator's license.  
Was read the first time and referred to the **Transportation Committee**.

**HB 1278:** A BILL for an Act to amend and reenact section 24-07-06 of the North Dakota Century Code, relating to establishment of public road access to isolated tracts of land.  
Was read the first time and referred to the **Political Subdivisions Committee**.

**HB 1279:** A BILL for an Act to create and enact a new subsection to section 43-33-14 of the North Dakota Century Code, relating to duties of the board of hearing aid specialists; and to amend and reenact section 43-33-01, subsection 2 of section 43-33-02, section 43-33-02.1, subsection 2 of section 43-33-03, section 43-33-04, subsection 2 of section 43-33-08, sections 43-33-10 and 43-33-11, subsection 2 of section 43-33-12, section 43-33-15, subsection 2 of section 43-37-03, and subdivision m of subsection 1 of section 43-46-01 of the North Dakota Century Code, relating to hearing aid specialists.  
Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HB 1283:** A BILL for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to confidentiality of identifying information and prohibited acts by pharmacies and pharmacists.  
Was read the first time and referred to the **Human Services Committee**.

**HB 1288:** A BILL for an Act to amend and reenact section 40-49-10 of the North Dakota Century Code, relating to the compensation of members of a board of park commissioners.  
Was read the first time and referred to the **Political Subdivisions Committee**.

**HB 1291:** A BILL for an Act to amend and reenact section 49-09-04.2 of the North Dakota Century Code, relating to the sale of railroad right of way.  
Was read the first time and referred to the **Transportation Committee**.

**HB 1292:** A BILL for an Act to amend and reenact section 39-24-04 of the North Dakota Century Code, relating to a snowmobile access fee.  
Was read the first time and referred to the **Transportation Committee**.

**HB 1294:** A BILL for an Act to amend and reenact section 15.1-06-05 of the North Dakota Century Code, relating to the reconfiguration of instructional days for schools.  
Was read the first time and referred to the **Education Committee**.

**HB 1295:** A BILL for an Act to amend and reenact section 15.1-02-13 of the North Dakota Century Code, relating to school district employee compensation reports.  
Was read the first time and referred to the **Education Committee**.

**HB 1296:** A BILL for an Act to amend and reenact subsection 1 of section 15.1-21-12 of the North Dakota Century Code, relating to the reporting of professional development funds and expenditures by school districts.  
Was read the first time and referred to the **Education Committee**.

**HB 1298:** A BILL for an Act to amend and reenact section 5-01-17 of the North Dakota Century Code, relating to domestic winery licenses; and to declare an emergency.  
Was read the first time and referred to the **Judiciary Committee**.

**HB 1299:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to North Dakota FFA foundation number plates.  
Was read the first time and referred to the **Transportation Committee**.

**HB 1305:** A BILL for an Act to amend and reenact section 44-04-19 of the North Dakota Century Code, relating to the location of public meetings.  
Was read the first time and referred to the **Political Subdivisions Committee**.

**HB 1306:** A BILL for an Act to amend and reenact section 23-27-04.3 of the North Dakota Century Code, relating to misrepresentation as to status as an emergency medical services personnel; and to provide a penalty.  
Was read the first time and referred to the **Human Services Committee**.

**HB 1309:** A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a corporate income tax credit for a portion of the cost

of retrofitting a facility for producing or blending diesel fuel containing biodiesel fuel; and to provide an effective date.

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

**HB 1310:** A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to reassessment of property that was formerly a commercial grain elevator; and to provide an effective date.

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

**HB 1312:** A BILL for an Act to amend and reenact section 57-15-63 of the North Dakota Century Code, relating to the effect of a mistake in levy by a taxing district; and to provide an effective date.

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

**HB 1316:** A BILL for an Act to amend and reenact section 39-10-03 of the North Dakota Century Code, relating to emergency vehicles.

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

**HB 1319:** A BILL for an Act to amend and reenact section 39-10-57 of the North Dakota Century Code, relating to following or stopping by an emergency vehicle.

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

**HB 1320:** A BILL for an Act to amend and reenact section 11-19.1-11 of the North Dakota Century Code, relating to the confidentiality of photographs and video recordings.

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

**HB 1321:** A BILL for an Act to create and enact a new section to chapter 6-09.7 of the North Dakota Century Code, relating to Bank of North Dakota agricultural real estate loan guarantees.

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

**HB 1322:** A BILL for an Act to amend and reenact subsection 12 of section 39-06.1-06 of the North Dakota Century Code, relating to the fees for a violation of a highway construction zone speed limit.

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

**HB 1328:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 and a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to a sales, use, and motor vehicle excise tax exemption for the acquisition by a charitable organization of property to be awarded as a raffle prize; and to provide an effective date.

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

**HB 1330:** A BILL for an Act to repeal sections 28-29-04, 28-29-05, and 28-29-06 of the North Dakota Century Code, relating to powers of courts when agricultural prices are confiscatory.

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

**HB 1331:** A BILL for an Act to amend and reenact section 15.1-30-01 of the North Dakota Century Code, relating to the transportation of students.

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

**HB 1333:** A BILL for an Act to amend and reenact subsection 3 of section 54-35.2-02 and section 54-35.2-05 of the North Dakota Century Code, relating to the advisory commission on intergovernmental relations.

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

**HB 1334:** A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to commerce data; and to amend and reenact section 65-04-15 and subsection 4 of section 65-04-33 of the North Dakota Century Code, relating to reporting of employee and employer zip codes for commerce purposes.

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

**HB 1336:** A BILL for an Act to create and enact two new subsections to section 43-52-03 of the North Dakota Century Code, relating to exceptions to requirements for the practice of interpreting for the deaf and hard of hearing.

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

**HB 1338:** A BILL for an Act to amend and reenact sections 57-20-22, 57-23-08, 57-23-09, and 57-55-12 of the North Dakota Century Code, relating to refund of penalties and interest on any abated property taxes or mobile home taxes.

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

**HB 1339:** A BILL for an Act for resolution of electricity transmission export constraints.

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

**HB 1343:** A BILL for an Act to amend and reenact section 20.1-05-03 of the North Dakota Century Code, relating to unlawfully taking big game animals; and to provide a penalty.

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

**HB 1345:** A BILL for an Act to create and enact a new subsection to section 54-21.3-03 of the North Dakota Century Code, relating to the state building code; and to amend and reenact section 54-21.3-07 of the North Dakota Century Code, relating to modular residential and commercial structures.

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

**HB 1346:** A BILL for an Act to amend and reenact subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to motor vehicle registration fees for farm vehicles.

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

**HB 1348:** A BILL for an Act to create and enact a new subsection to section 57-06-02 and a new section to chapter 57-06 of the North Dakota Century Code, relating to property tax exemption for new or expanded capacity electric transmission lines; to amend and reenact subsection 2 of section 57-33.1-02 of the North Dakota Century Code, relating to application of the electric transmission lines mileage tax for cooperatives; and to provide an effective date.

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

**HB 1351:** A BILL for an Act to create and enact section 19-03.1-22.2 of the North Dakota Century Code, relating to exposure of children or vulnerable adults to controlled substances; to provide a penalty; and to declare an emergency.

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

**HB 1353:** A BILL for an Act to create and enact three new subsections to section 19-03.1-01 and two new sections to chapter 19-03.4 of the North Dakota Century Code, relating to the definitions, prima facie proof of intent, and the retail or over-the-counter sale of methamphetamine precursor drugs; to amend and reenact section 19-03.1-01 and subsection 13 of section 19-03.4-01 of the North Dakota Century Code, relating to definitions used in the Uniform Controlled Substance Act and the definition of drug paraphernalia; to provide a penalty; and to declare an emergency.

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

**HB 1355:** A BILL for an Act to amend and reenact sections 6-03-13.6, 6-08-29, 7-02-15, and 47-10.2-05 of the North Dakota Century Code, relating to notice of mortgagee payment of interest on escrow account funds and statutory reference correction.

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

**HB 1360:** A BILL for an Act to amend and reenact section 41-09-86 of the North Dakota Century Code, relating to the duration of filed financing statements.

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

**HB 1363:** A BILL for an Act to amend and reenact section 49-05-06 of the North Dakota Century Code, relating to public service commission rates change hearings.

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

**HB 1364:** A BILL for an Act to amend and reenact section 49-02-21 of the North Dakota Century Code, relating to the raising and lowering of communication lines.

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

**HB 1369:** A BILL for an Act to create and enact chapter 4-42, a new subsection to section 26.1-05-19, a new subdivision to subsection 1 of section 57-38-01.2, a new subdivision to subsection 1 of section 57-38-01.3, a new subdivision to subsection 2 of section 57-38-30.3, and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to the establishment and operation of the farmers equity trust fund and investments and income tax credits for investments for support of the fund; and to provide an effective date.

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

**HB 1370:** A BILL for an Act to provide for a legislative council study of workers' compensation premium calculations.

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

**HB 1372:** A BILL for an Act to create and enact a new section to chapter 60-02 of the North Dakota Century Code, relating to local emergency personnel notification regarding roadways blocked by unit trains.

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

**HB 1374:** A BILL for an Act to amend and reenact section 21-04-09 of the North Dakota Century Code, relating to security for the repayment of deposits of public funds.

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

**HB 1378:** A BILL for an Act to provide for a study of the generation of electricity from the state's wind resource to produce hydrogen for fuel.

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

**HB 1379:** A BILL for an Act to amend and reenact subsection 2 of section 41-09-09, subsection 2 of section 41-09-11, and subsection 7 of section 41-09-13 of the North Dakota Century Code, relating to priority of state real estate statutes over related provisions of the Uniform Commercial Code.

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

**HB 1380:** 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 licenses to hunt deer.

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

**HB 1382:** A BILL for an Act to amend and reenact section 34-14-02 of the North Dakota Century Code, relating to direct deposit of wages.

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

**HB 1386:** A BILL for an Act to provide for a legislative council study of bonds required by law.

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

**HB 1387:** A BILL for an Act to amend and reenact section 48-01.1-09 of the North Dakota Century Code, relating to bonds by construction managers on public improvement projects.

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

**HB 1390:** A BILL for an Act to amend and reenact section 27-03-05 of the North Dakota Century Code, relating to fees collected by the clerk of the supreme court; and to provide a continuing appropriation.

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

**HB 1391:** A BILL for an Act to amend and reenact section 20.1-03-12 of the North Dakota Century Code, relating to big game hunting license fees.

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

**HB 1393:** A BILL for an Act to create and enact a new section to chapter 15-11 of the North Dakota Century Code, relating to the naming of the Ralph Engelstad arena.

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

**HB 1394:** A BILL for an Act to create and enact a new subsection to section 39-06.1-05 and a new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to offenses exempted from administrative proceedings and demerit points; to amend and reenact sections 39-06.1-09 and 39-10-26 of the North Dakota Century Code, relating to yielding to an emergency vehicle; and to provide a penalty.

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

**HB 1395:** A BILL for an Act to amend and reenact sections 5-02-05 and 5-02-05.1 of the North Dakota Century Code, relating to the consumption of alcoholic beverages.

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

**HB 1396:** A BILL for an Act to amend and reenact subsection 1 of section 10-06.1-09 and sections 10-06.1-12 and 10-06.1-19 of the North Dakota Century Code, relating to corporations in farming and ranching.

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

**HB 1399:** A BILL for an Act to create a pharmaceutical manufacturers drug access program within the office of insurance commissioner for low-income individuals; and to provide an appropriation.

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

**HB 1400:** A BILL for an Act to amend and reenact sections 23-09.3-01.1 and 23-16-01.1 of the North Dakota Century Code, relating to a moratorium on expansion of the licensed basic care and long-term bed capacity, the conversion of beds, and the transfer of existing basic care beds from one municipality to another municipality or to a tribal reservation.

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

**HB 1410:** A BILL for an Act to amend and reenact section 16.1-03-03, subsection 2 of section 16.1-03-07, and section 16.1-03-11 of the North Dakota Century Code, relating to political party organization.

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

**HB 1411:** A BILL for an Act to create and enact section 40-47.3-01.2 of the North Dakota Century Code, relating to the imposition of a city motor vehicle rental tax; and to amend and reenact section 40-47.3-02 of the North Dakota Century Code, relating to the establishment of the city visitors' promotion fund.

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

**HB 1414:** A BILL for an Act to create and enact a new section to chapter 23-07 of the North Dakota Century Code, relating to reporting disease outbreaks to the state department of health in an emergency; to amend and reenact sections 23-07-02, 23-07.6-01, 23-07.6-02, 23-07.6-03, 23-07.6-04, 23-07.6-05, 23-07.6-06, 23-07.6-07, 23-07.6-08, 23-07.6-09, 23-07.6-10, 23-07.6-11, 23-07.6-12, subsection 8 of section 23-35-08, subdivision h of subsection 2 of section 23-35-12, and subsection 2 of section 40-06-01, relating to disease reporting and quarantine or isolation of persons infected or potentially infected with contagious diseases; and to provide a penalty.

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

**HB 1415:** A BILL for an Act to amend and reenact section 26.1-26.6-09 of the North Dakota Century Code, relating to the return of a forfeiture to a bondsman.

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

**HB 1416:** A BILL for an Act to amend and reenact subsection 6 of section 55-08-05 of the North Dakota Century Code, relating to alcoholic beverage sales on state parks and recreation department property.

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

**HB 1419:** A BILL for an Act to amend and reenact sections 27-02.1-01, 27-02.1-02, 27-02.1-03, 27-02.1-04, 27-02.1-05, 27-02.1-06, 27-02.1-07, 27-02.1-08, and 27-02.1-09 of the North Dakota Century Code, relating to the temporary court of appeals; to provide an effective date; and to provide an expiration date.

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

**HB 1420:** A BILL for an Act to create and enact two new sections to chapter 4-34 of the North Dakota Century Code, relating to records of cattle transactions; to amend and reenact sections 4-34-02, 4-34-03, 4-34-04, 4-34-05, 4-34-06, 4-34-08, and 4-34-10 of the North Dakota Century Code, relating to the North Dakota beef commission; and to provide a penalty.

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

**HB 1421:** A BILL for an Act to create and enact a new section to chapter 54-16 of the North Dakota Century Code, relating to the presentation of emergency request petitions to the emergency commission; to amend and reenact subsection 1 of section 54-16-00.1 and sections 54-16-03, 54-16-04, 54-16-04.1, 54-16-04.2, 54-16-09, and 54-16-11.1 of the North Dakota Century Code, relating to procedures employed by the emergency commission and approvals by the budget section; and to repeal sections 54-16-10 and 54-16-11 of the North Dakota Century Code, relating to departmental emergency funds.

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

**HB 1427:** A BILL for an Act to amend and reenact sections 32-09.1-05, 32-09.1-10, and 32-09.1-14 of the North Dakota Century Code, relating to garnishment disclosure fees and default judgments; and to provide for a legislative council study of garnishment forms.

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

**HB 1436:** A BILL for an Act to amend and reenact subsection 4 of section 43-17-18 of the North Dakota Century Code, relating to licensure of physicians.

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

**HB 1437:** A BILL for an Act to amend and reenact sections 5-02-01, 5-02-01.1, 5-02-05.1, and 5-02-10 of the North Dakota Century Code, relating to retail licenses to sell alcoholic beverages.

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

**HB 1438:** A BILL for an Act to create and enact a new subsection to section 25-01.3-01 of the North Dakota Century Code, relating to definitions; to amend and reenact sections 23-01.3-02, 23-07-02.1, and 23-07-02.2, subsections 6, 7, and 8 of section 23-07.5-01, sections 23-07.5-02, subsection 1 of section 23-07.5-04, sections 23-07.5-06, 23-07.5-07, and 23-07.5-08, subsection 3 of section 23-07.7-02, sections 23-12-14 and 23-16-09, subsection 1 of section 25-01.3-10, section 25-16-07, subsection 9 of section 26.1-04-03, section 28-01-46.1, subsections 6 and 9 of section 37-18-11, subsection 4 of section 43-15-01, subdivision n of subsection 1 of section 43-15-10, section 43-47-09, subsection 1 of section 44-04-18.1, and section 50-19-10 of the North Dakota Century Code, relating to the use and disclosure of health information, and persons to be tested and the timing of testing for the human immunodeficiency virus; to repeal sections 23-01.3-03, 23-07.5-03, and 23-07.5-05 of the North Dakota Century Code, relating to the disclosure of health information; to provide an effective date; and to declare an emergency.

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

**HB 1441:** A BILL for an Act to authorize the state to purchase oil put options; to provide an appropriation; and to provide an expiration date.

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

**HB 1443:** A BILL for an Act to amend and reenact subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to a social security number on a driver's license.

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

**HB 1444:** A BILL for an Act to amend and reenact subsection 2 of section 54-59-17 of the North Dakota Century Code, relating to the membership of the educational technology council.

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

**HB 1457:** A BILL for an Act to amend and reenact subdivision c of subsection 1 and subsections 7 and 9 of section 40-63-03 of the North Dakota Century Code, relating to criteria for renaissance zones.

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

**HB 1471:** A BILL for an Act to amend and reenact subsections 1 and 2 of section 57-35.3-02, subsection 1 of section 57-38-01.3, and section 57-38-30 of the North Dakota Century Code, relating to financial institutions taxes, the corporate income tax deduction for federal income taxes paid, and corporate income tax rates; to repeal chapter 57-38.4 of the North Dakota Century Code, relating to the corporate income tax water's edge filing election; and to provide an effective date.

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

**HB 1475:** A BILL for an Act to provide for a legislative council study of the feasibility and desirability of a Bank of North Dakota credit card program.

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

**HB 1480:** A BILL for an Act to create and enact a new section to chapter 23-27 of the North Dakota Century Code, relating to quick-response units.

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

**HB 1481:** A BILL for an Act to amend and reenact subsections 4 and 6 of section 23-02.1-19 and subsections 3 and 5 of section 23-02.1-20 of the North Dakota Century Code, relating to the signing of death certificates by a nurse practitioner.

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

**HB 1489:** A BILL for an Act to create and enact four new sections to chapter 15.1-18 of the North Dakota Century Code, relating to teacher qualifications; to amend and reenact sections 15.1-13-08, 15.1-18-01, and 15.1-18-02 of the North Dakota Century Code, relating to teacher qualifications; to provide for a report; to repeal section 15.1-18-03 of the North Dakota Century Code, relating to high school teacher qualifications; and to provide an effective date.

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

**HB 1492:** A BILL for an Act to amend and reenact section 57-28-15 of the North Dakota Century Code, relating to bidders at annual sales of land acquired by tax deeds.  
Was read the first time and referred to the **Political Subdivisions Committee**.

**HB 1498:** A BILL for an Act to create and enact sections 45-11-02.1, 45-11-10, 47-25-02.1, and 47-25-08 of the North Dakota Century Code, relating to electronic filing of partnership fictitious name certificates and electronic filing of trade name registrations with the secretary of state; and to amend and reenact sections 45-11-04.1, 45-11-08.1, 47-25-03, 47-25-04, and 47-25-06 of the North Dakota Century Code, relating to fictitious name certificates and trade name registrations.  
Was read the first time and referred to the **Industry, Business and Labor Committee**.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

**HCR 3002:** A concurrent resolution directing the Legislative Council to study the total amount of tax-exempt property by county; the loss of tax revenues from flooded property and from previously taxable property that is purchased by tax-exempt entities, including ownership in trust for Indian tribes; and the impact of the tax status of these tax-exempt properties on the ability of local communities to provide social services, including child support enforcement services.  
Was read the first time and referred to the **Finance and Taxation Committee**.

**HCR 3003:** A concurrent resolution directing the Legislative Council to study state and local funding obligations for social services, including child support enforcement services.  
Was read the first time and referred to the **Human Services Committee**.

**HCR 3008:** A concurrent resolution directing the Legislative Council to study the use of electronic home detention for nonviolent offenders.  
Was read the first time and referred to the **Judiciary Committee**.

**HCR 3011:** A concurrent resolution directing the Legislative Council to study the North Dakota open records statutes and the appropriateness of the penalties for an unauthorized disclosure of certain records.  
Was read the first time and referred to the **Judiciary Committee**.

**HCR 3012:** A concurrent resolution directing the Legislative Council to study the laws of this state concerning arbitration of construction issues with the Department of Transportation.  
Was read the first time and referred to the **Transportation Committee**.

**HCR 3013:** A concurrent resolution directing the Legislative Council to study the laws of this state concerning abandonment and vacation of sections of routes of the state highway system.  
Was read the first time and referred to the **Transportation Committee**.

**HCR 3018:** A concurrent resolution directing the Legislative Council to study the impact of high-volume grain terminals on local highway systems and possible methods of mitigating the impact.  
Was read the first time and referred to the **Transportation Committee**.

**HCR 3020:** A concurrent resolution declaring February 10, 2003, "North Dakota Close-Up Day".  
Was read the first time and referred to the **Education Committee**.

**HCR 3037:** A concurrent resolution directing the Legislative Council to study the state's criminal justice process from arrest to release, including the cost-effectiveness and efficiency of incarcerating large numbers of inmates in a large facility, the use of electronic monitoring as an alternative to incarceration, and the effectiveness of sentencing laws, incarceration, and treatment.  
Was read the first time and referred to the **Human Services Committee**.

**HCR 3043:** A concurrent resolution urging Congress to eliminate the estate tax.  
Was read the first time and referred to the **Finance and Taxation Committee**.

**HCR 3044:** A concurrent resolution urging Congress to enact the President's 2002 economic growth and tax relief plan.  
Was read the first time and referred to the **Finance and Taxation Committee**.



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

**WILLIAM R. HORTON, Secretary**

