

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, February 19, 2001

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

The prayer was offered by Chaplain Burnie Kunz, Medcenter One, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## MOTION

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

## CONSIDERATION OF AMENDMENTS

**SB 2159: SEN. STENEHJEM (Transportation Committee) MOVED** that the amendments on SJ pages 514-515 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2159:** A BILL for an Act to create and enact a new section to chapter 39-04 and a new section to chapter 57-40.3 of the North Dakota Century Code, relating to fees on issuance of motor vehicle number plates and a separate and additional motor vehicle excise tax; to amend and reenact section 57-40.3-10 of the North Dakota Century Code, relating to allocation of motor vehicle excise tax revenues; 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 40 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Christenson; Cook; Every; Heitkamp; Kelsh; Krauter; Mathern, D.; O'Connell; Tomac

Engrossed SB 2159 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

**SB 2239, as engrossed: SEN. ANDRIST (Appropriations Committee) MOVED** that the amendments on SJ page 517 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2239:** A BILL for an Act to create and enact a new section to chapter 25-17 of the North Dakota Century Code, relating to definitions for the newborn screening law; and to amend and reenact sections 25-17-01, 25-17-02, 25-17-03, 25-17-04, 25-17-05, and 26.1-36-09.7 of the North Dakota Century Code, relating to services and insurance coverage for treatment of metabolic diseases.

## ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.;

Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2239 passed and the title was agreed to.

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#### MOTION

**SEN. G. NELSON MOVED** that SB 2444, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**SB 2001: SEN. TALLACKSON (Appropriations Committee) MOVED** that the amendments on SJ pages 504-505 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2001:** A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to legislative compensation; and to declare an emergency.

#### ROLL CALL

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

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

Engrossed SB 2001 passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**SB 2002: SEN. NETHING (Appropriations Committee) MOVED** that the amendments on SJ pages 505-508 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2002:** A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; and to provide for a legislative council study.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Krauter

Engrossed SB 2002 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2016: SEN. NETHING (Appropriations Committee) MOVED** that the amendments on SJ pages 508-511 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2016:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to provide for line item transfers; and to provide for a legislative council study.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Mathern, T.

Engrossed SB 2016 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2023: SEN. GRINDBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 511-514 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2023:** A BILL for an Act to provide an appropriation for capital projects of various state departments and institutions; to provide an appropriation for state facility energy improvement capital projects of various state departments and institutions; to authorize the industrial commission and the state board of higher education to issue and sell bonds for capital projects; to provide an appropriation; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Tomac

Engrossed SB 2023 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**SB 2042: SEN. FLAKOLL (Education Committee) MOVED** that the amendments on SJ page 514 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2042:** A BILL for an Act to amend and reenact sections 15-10-17, 15-11-15, 15-11-32, 15-11-35, 15-11-36, and 15-12-22 of the North Dakota Century Code, relating to the powers and duties of the state board of higher education, state mineral tests, the child welfare research bureau, the fetal alcohol syndrome center, and the economic feasibility institute; and to repeal sections 15-10-14, 15-10-15, 15-10-25, 15-11-03, 15-11-19, 15-11-27, 15-11-28, 15-11-34, 15-11-37, 15-12-03, 15-12-04, and 15-13-04 and chapters 15-62.3 and 47-28 of the North Dakota Century Code, relating to university

system faculty, accounts and records, budget requests, expenditure abstracts, patents, university presidents, the university law library, the university radio station, hockey admission receipts, gifts and grants, and the tuition assistance grant 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Andrist

Engrossed SB 2042 passed and the title was agreed to.

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#### REQUEST

**SEN. ANDRIST REQUESTED** the record reflect he intended to vote AYE on Engrossed SB 2042, which request was granted.

#### CONSIDERATION OF AMENDMENTS

**SB 2163: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 515-516 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2163:** A BILL for an Act to amend and reenact section 23-34-04, subsection 9 of section 43-17-31, sections 43-17-31.1, 43-17-32.1, subsection 1 of section 43-17.1-02, subsection 1 of section 43-17.1-05, and subsection 3 of section 43-17.1-06 of the North Dakota Century Code, relating to references to commission on medical competency, ex parte temporary suspension orders issued by the state board of medical examiners, and investigative panels of the state board of medical examiners.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Trenbeath

Engrossed SB 2163 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2175: SEN. NOTHING (Appropriations Committee) MOVED** that the amendments on SJ pages 516-517 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2175:** A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation paid to members of the legislative assembly during any organizational, special, or regular legislative session; to provide for retroactive application; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, T.; Mutch; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; Every; Heitkamp; Klein; Krauter; Kroeplin; Mathern, D.; Nelson, C.; O'Connell

Engrossed SB 2175 passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**SB 2270: SEN. FREBORG (Education Committee) MOVED** that the amendments on SJ pages 517-519 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2270:** A BILL for an Act relating to the provision of all grade levels by school districts; and to create and enact a new section to chapter 15-40.2 of the North Dakota Century Code or in the alternative to create and enact a new section to chapter 15.1-29 of the North Dakota Century Code, relating to the education of students in bordering states.

#### ROLL CALL

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

**YEAS:** Christenson; Christmann; Cook; Espegard; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Krebsbach; Kringstad; Lee; Nelson, C.; Nelson, G.; Nething; Solberg; Stenehjem; Tallackson; Wardner; Watne

**NAYS:** Andrist; Bercier; Bowman; Dever; Erbele; Every; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek

Engrossed SB 2270 lost.

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#### CONSIDERATION OF AMENDMENTS

**SB 2278: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 519-520 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2278:** A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to a credit against corporate, individual, estate, and trust income taxes for employment of recent graduates in targeted jobs; 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 26 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Cook; Dever; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Krauter; Krebsbach; Lee; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nichols; O'Connell; Polovitz; Schobinger; Tallackson; Thane

**NAYS:** Andrist; Bowman; Christmann; Erbele; Kilzer; Klein; Kringstad; Kroeplin; Lyson; Mutch; Nething; Robinson; Solberg; Stenehjem; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Kelsh

Engrossed SB 2278 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2297: SEN. KREBSBACH (Appropriations Committee) MOVED** that the amendments on SJ page 520 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2297:** A BILL for an Act to amend and reenact subsection 2 of section 44-08-04 of the North Dakota Century Code, relating to state officer and employee lodging reimbursement.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Krauter; Tomac

Engrossed SB 2297 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2309: SEN. STENEHJEM (Transportation Committee) MOVED** that the amendments on SJ page 520 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2309:** A BILL for an Act to amend and reenact section 8-02-08 of the North Dakota Century Code, relating to safety standards for passenger contract carriers; and to provide a penalty.

**ROLL CALL**

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

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

Engrossed SB 2309 passed and the title was agreed to.

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**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 2081, SB 2113, SB 2160, SB 2176, SB 2244, SB 2272, SB 2286, SB 2365, SB 2377, SB 2408, SB 2431, SB 2436, SB 2441, SB 2445, SB 2454, SCR 4015, SCR 4018, SCR 4019, SCR 4024, SCR 4025, SCR 4027, SCR 4028, SCR 4031.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SCR 4002, SCR 4039.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1301, HB 1471.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1087, HB 1161, HB 1249, HB 1302, HB 1322, HB 1390, HB 1406, HB 1422, HB 1426, HB 1453, HB 1460, HB 1479, HCR 3027, HCR 3037, HCR 3039.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, February 20, 2001, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2217: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2217 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 two new sections to chapter 14-02.4 of the North Dakota Century Code, relating to the authority of the department of labor to receive discriminatory practices complaints; to amend and reenact sections 14-02.4-02, 14-02.4-19, 14-02.4-20, 14-02.4-21, 14-02.5-02, 14-02.5-03, 14-02.5-04, 14-02.5-05, 14-02.5-07, 14-02.5-08, 14-02.5-10, and 14-02.5-45 of the North Dakota Century Code, relating to discriminatory practices and the authority of the department of labor; to repeal section 14-02.4-12.1 of the North Dakota Century Code, relating to discriminatory housing practices; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 14-02.4-02 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-02. Definitions.** In this chapter, unless the context or subject matter otherwise requires:

1. "Age" insofar as it refers to any prohibited unfair employment or other practice means at least forty years of age.
2. "Court" means the district court in the judicial district in which the alleged discriminatory practice occurred.
3. "Department" means the division of human rights within the department of labor.
4. "Disability" means a physical or mental impairment that substantially limits one or more major life activities, a record of this impairment, or being regarded as having this impairment.
4. 5. "Discriminatory practice" means an act or attempted act which because of race, color, religion, sex, national origin, age, physical or mental disability, status with regard to marriage or public assistance, or participation in lawful activity off the employer's premises during nonworking hours results in the unequal treatment or separation or segregation of any persons, or denies, prevents, limits, or otherwise adversely affects, or if accomplished would deny, prevent, limit, or otherwise adversely affect, the benefit of enjoyment by any person of employment, labor union membership, ~~housing accommodations, property rights,~~ public accommodations, public services, or credit transactions. The term "discriminate" includes segregate or separate and for purposes of discrimination based on sex, it includes sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
  - a. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, or education, ~~or housing~~;
  - b. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or

- c. That conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations, public services, or educational ~~or housing~~ environment; and in the case of employment, the employer is responsible for its acts and those of its supervisory employees if it knows or should know of the existence of the harassment and fails to take timely and appropriate action.
- ~~5-~~ 6. "Employee" means a person who performs services for an employer, who employs one or more individuals, for compensation, whether in the form of wages, salaries, commission, or otherwise. "Employee" does not include a person elected to public office in the state or political subdivision by the qualified voters thereof, or a person chosen by the officer to be on the officer's political staff, or an appointee on the policymaking level or an immediate advisor with respect to the exercise of the constitutional or legal powers of the office. Provided, "employee" does include a person subject to the civil service or merit system or civil service laws of the state government, governmental agency, or a political subdivision.
- ~~6-~~ 7. "Employer" means a person within the state who employs one or more employees for more than one quarter of the year and a person wherever situated who employs one or more employees whose services are to be partially or wholly performed in the state.
- ~~7-~~ 8. "Employment agency" means a person regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunity to work for an employer and includes any agent of the person.
- ~~8-~~ 9. "Labor organization" means a person, employee representation committee, plan in which employees participate, or other organization which exists solely or in part for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment.
- ~~9-~~ 10. "National origin" means the place of birth of an individual or any of the individual's lineal ancestors.
- ~~10-~~ 11. "Otherwise qualified person" means a person who is capable of performing the essential functions of the particular employment in question.
- ~~11-~~ 12. "Person" means an individual, partnership, association, corporation, limited liability company, unincorporated organization, mutual company, joint stock company, trust, agent, legal representative, trustee, trustee in bankruptcy, receiver, labor organization, public body, public corporation, and the state and a political subdivision and agency thereof.
- ~~12-~~ 13. "Public accommodation" means every place, establishment, or facility of whatever kind, nature, or class that caters or offers services, facilities, or goods to the general public for a fee, charge, or gratuity. "Public accommodation" does not include a bona fide private club or other place, establishment, or facility which is by its nature distinctly private; provided, however, the distinctly private place, establishment, or facility is a "public accommodation" during the period it caters or offers services, facilities, or goods to the general public for a fee, charge, or gratuity.
- ~~13-~~ 14. "Public service" means a public facility, department, agency, board, or commission owned, operated, or managed by or on behalf of this state, a political subdivision thereof, or a public corporation.
- ~~14-~~ 14. "~~Real estate broker" and "real estate salesman" mean a real estate broker and real estate salesman as defined in section 43-23-06.1.~~
- ~~15-~~ 15. "~~Real property" means a right, title, interest in or to the possession, ownership, enjoyment, or occupancy of a parcel of land, building situated thereon, or portion of the building.~~
- ~~16-~~ 15. "Reasonable accommodations" means accommodations by an employer that do not:



- a. Unduly disrupt or interfere with the employer's normal operations;
  - b. Threaten the health or safety of the individual with a disability or others;
  - c. Contradict a business necessity of the employer; or
  - d. Impose undue hardship on the employer, based on the size of the employer's business, the type of business, the financial resources of the employer, and the estimated cost and extent of the accommodation.
47. 16. "Sex" includes, ~~but is not limited to,~~ pregnancy, childbirth, and disabilities related to pregnancy or childbirth.
48. 17. "Status with regard to public assistance" means the condition of being a recipient of federal, state, or local assistance, including medical assistance, or of being a tenant receiving federal, state, or local subsidies, including rental assistance or rent supplements.

**SECTION 2.** Two new sections to chapter 14-02.4 of the North Dakota Century Code are created and enacted as follows:

Duties and powers of department. The department shall receive and investigate complaints alleging violations of this chapter. The department may adopt rules necessary to implement this chapter. Within the limits of legislative appropriations, the department shall foster prevention of discrimination under this chapter through education for the public, employers, providers of public accommodations or services, and commercial lenders on the rights and responsibilities provided under this chapter and ways to respect those protected rights. The department shall emphasize conciliation to resolve complaints. The department shall publish in even-numbered years a written report recommending legislative or other action to carry out the purposes of this chapter. The department shall conduct studies relating to the nature and extent of discriminatory practices in this state.

Complaints - Probable cause - Administrative hearing.

1. The department shall investigate complaints of alleged discriminatory practices. An aggrieved person may file a complaint with the department alleging the discriminatory practice. The department may file a complaint. A complaint must be in writing and in the form prescribed by the department.
2. The department shall determine from the facts whether probable cause exists to believe that a discriminatory practice has occurred. If the department determines that no probable cause exists to believe that a discriminatory practice has occurred, the department shall promptly dismiss the complaint.
3. If the department determines that probable cause exists to believe that a discriminatory practice has occurred and is unable to resolve the complaint through informal negotiations or conciliation, the department shall provide for an administrative hearing in the manner provided in chapter 28-32 on the complaint.

**SECTION 3. AMENDMENT.** Section 14-02.4-19 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-19. Actions - Limitations.** Any person claiming to be aggrieved by a discriminatory practice with regard to public services or public accommodations in violation of this chapter may file a complaint of discriminatory practices with the department or may bring an action in the district court in any the judicial district in the state in which the unlawful practice is alleged to have been committed, or in the district in which the records relevant to such practice are maintained and administered, or in the judicial district in which the person would have worked or obtained credit ~~obtained~~ public accommodations or services were it not for the alleged discriminatory act within ~~three years~~ one hundred eighty days of the alleged act of wrongdoing. Any person claiming to be aggrieved by any discriminatory practice other than public services or public accommodations in violation of this chapter ~~with regard to an employer's discriminatory practice~~ may bring file a complaint of ~~discriminating employment practices~~

~~under this chapter to discriminatory practice with the department of labor or may bring an action in the district court in the judicial district in which the unlawful practice is alleged to have been committed, in the district in which the records relevant to the practice are maintained and administered, or in the district in which the person would have worked or obtained credit were it not for the alleged discriminatory act within three hundred days of the alleged act of wrongdoing. Any person claiming to be aggrieved by a discriminatory practice in violation of this chapter with regard to public accommodations or services may bring an action in the district court in any district in the state in which the unlawful practice is alleged to have been committed, or in the judicial district in which the person would have obtained public accommodations or services were it not for the alleged discriminatory act within one hundred eighty days of the alleged act of wrongdoing. The period of limitation for bringing an action in the district court is tolled while the complaint is pending with the department.~~

**SECTION 4. AMENDMENT.** Section 14-02.4-20 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-20. Relief.** If the department, as the result of an administrative hearing, or the court determines that the respondent has engaged in or is engaging in an unlawful a discriminatory practice, the department or the court may enjoin the respondent from engaging in such the unlawful practice and order such appropriate relief as will be appropriate, which may include, but is not limited to, temporary or permanent injunctions, actual damages, equitable relief, and backpay limited to no more than two years from the date the complainant has complaint was filed a sworn charge with the equal employment opportunity commission or filed the complaint in the state department or the court. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the backpay otherwise allowable. In any action or proceeding under this chapter the court may grant, in its discretion, the prevailing party a reasonable attorney's fee as part of the costs. If the court finds that the complainant's allegation of a discriminatory practice is false and not made in good faith, the court shall order the complainant to pay court costs and reasonable attorney's fees incurred by the respondent in responding to the allegation.

**SECTION 5. AMENDMENT.** Section 14-02.4-21 of the North Dakota Century Code is amended and reenacted as follows:

~~**14-02.4-21. Optional mediation by department of labor — Relief — Appeals — Records exempt.** The department of labor may receive complaints of discriminating employment practices under this chapter and may investigate the complaints to determine if there is probable cause to believe the complaint is meritorious and, if so, attempt to obtain voluntary compliance with this chapter's employment requirements through informal advice, negotiation, or conciliation. This chapter does not prohibit a person from filing, or require a person to file, a complaint with the department of labor before using the provisions of this chapter. A complaint received by the department and information obtained during any investigation conducted under this section chapter are exempt from section 44-04-18 before the institution of any judicial proceedings or administrative hearing relating to the complaint under this chapter. The commissioner department may disclose to the complainant or the respondent, or attorneys for the complainant or respondent, information obtained under this section during an investigation if deemed determined necessary by the commissioner department for securing an appropriate resolution of a complaint. Any record or information held by the department of labor pursuant to an agreement with any federal agency for the enforcement of fair employment practices is exempt from section 44-04-18, and the The department of labor may disclose to federal officials information obtained under this section chapter if appropriate to carry out the enforcement of fair employment practices pursuant to the necessary for the processing of complaints under an agreement with the agency. The department of labor may not disclose anything said or done as part of the informal negotiation or conciliation efforts relating to a complaint under this section chapter.~~

**SECTION 6. AMENDMENT.** Section 14-02.5-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**14-02.5-02. Sale or rental.**

1. A person may not refuse to sell or rent, after the making of a bona fide offer, refuse to negotiate for the sale or rental of, or in any other manner make unavailable or deny a dwelling to an individual because of race,

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

2. A person may not discriminate against an individual in the terms, conditions, or privileges of sale or rental of a dwelling or in providing services or facilities in connection with a sale or rental of a dwelling because of race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance.
3. This section does not prohibit discrimination against an individual because the individual has been convicted under federal law or the law of any state of the illegal manufacture or distribution of a controlled substance.

**SECTION 7. AMENDMENT.** Section 14-02.5-03 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**14-02.5-03. Publication.** A person may not make, print, or publish or effect the making, printing, or publishing of a notice, statement, or advertisement that is about the sale or rental of a dwelling and that indicates any preference, limitation, or discrimination or the intention to make a preference, limitation, or discrimination because of race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance.

**SECTION 8. AMENDMENT.** Section 14-02.5-04 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**14-02.5-04. Inspection.** A person may not represent to an individual because of race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance that a dwelling is not available for inspection for sale or rental when the dwelling is available for inspection.

**SECTION 9. AMENDMENT.** Section 14-02.5-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**14-02.5-05. Entry into neighborhood.** A person may not, for profit, induce or attempt to induce another to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of an individual of a particular race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance.

**SECTION 10. AMENDMENT.** Section 14-02.5-07 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**14-02.5-07. Residential real estate-related transaction.** A person whose business includes engaging in residential real estate-related transactions may not discriminate against an individual in making a real estate-related transaction available or in the terms or conditions of a real estate-related transaction because of race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance. A residential real estate-related transaction is the selling, brokering, or appraising of residential real property or the making or purchasing of loans or the provision of other financial assistance to purchase, construct, improve, repair, maintain a dwelling, or to secure residential real estate. For the purposes of this section, a person is in the business of selling residential real property if within the preceding twelve months, the person has participated as principal in three or more transactions involving the sale of any dwelling or any interest in a dwelling or has participated as agent, other than in the sale of the person's own personal residence, in providing sales facilities or sales services in two or more transactions involving the sale of any dwelling or any interest in a dwelling.

**SECTION 11. AMENDMENT.** Section 14-02.5-08 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**14-02.5-08. Brokerage services.** A person may not deny an individual access to, or membership or participation in, a multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against an individual in the terms or conditions of access, membership, or participation in the organization, service, or facility because of race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance.

**SECTION 12. AMENDMENT.** Section 14-02.5-10 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**14-02.5-10. Religious organization, private club, and appraisal exemption.**

1. This chapter does not prohibit a religious organization, association, or society or a nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of dwellings that it owns or operates for other than a commercial purpose to individuals of the same religion or giving preference to persons of the same religion, unless membership in the religion is restricted because of race, color, or national origin.
2. This chapter does not prohibit a private club that is not in fact open to the public and that, as an incident to its primary purpose, provides lodging that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of the lodging to its members or from giving preference to its members, unless membership in the club is restricted because of race, color, or national origin.
3. This chapter does not prohibit a person engaged in the business of furnishing appraisals of real property from considering in those appraisals factors other than race, color, religion, sex, disability, age, familial status, national origin, or status with respect to marriage or public assistance.

**SECTION 13. AMENDMENT.** Section 14-02.5-45 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**14-02.5-45. Intimidation or interference - Penalty.**

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

**SECTION 14. REPEAL.** Section 14-02.4-12.1 of the North Dakota Century Code is repealed."

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2220: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2220 was placed on the Sixth order on the calendar.

Page 1, line 15, remove "and per diem"

Page 1, line 16, after "rate" insert an underscored comma and remove the overstrike over "~~excluding meals and lodging~~" and insert immediately thereafter an underscored comma

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Dept. 530 - Department of Corrections and Rehabilitation - Senate Action**

The bill as introduced required that county reimbursement for transporting juvenile offenders be determined based upon the state mileage rate, plus 50 cents per mile, plus the state per diem rate for meals and lodging. The bill as amended provides for reimbursement based on the state mileage rate plus 50 cents per mile. Current law provides for reimbursement at the state mileage rate.

**REPORT OF STANDING COMMITTEE**

**SB 2267: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2267 was placed on the Sixth order on the calendar.

Page 1, after line 13, insert:

"2. A contract entered under this section may not exceed one full school year."

Page 1, line 14, replace "2" with "3"

Page 1, after line 15, insert:

"4. Upon completing a contract entered under this section, the individual may not enter a similar contract with the district for a period of three years. This subsection does not apply if the individual becomes licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board."

Page 1, line 16, replace "3" with "5"

Page 1, line 18, replace "4" with "6"

Page 2, after line 9, insert:

"2. A contract entered under this section may not exceed one full school year."

Page 2, line 10, replace "2" with "3"

Page 2, after line 11, insert:

"4. Upon completing a contract entered under this section, the individual may not enter a similar contract with the district for a period of three years. This subsection does not apply if the individual becomes licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board."

Page 2, line 12, replace "3" with "5"

Page 2, line 14, replace "4" with "6"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2277: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2277 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "; and to" with a period

Page 1, remove lines 3 and 4

Page 1, remove lines 6 through 22

Page 2, remove the underscore under lines 1 through 4

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2288: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2288 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 the insurance commissioner to submit a report to the legislative council regarding motor vehicle insurance independent medical examinations."

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

**SECTION 1. INSURANCE COMMISSIONER - INDEPENDENT MEDICAL EXAMINATION REPORT TO LEGISLATIVE COUNCIL.** Before November 1, 2002, the insurance commissioner shall submit a report to the legislative council regarding motor vehicle insurance independent medical examinations. The report must include an analysis of the impact independent medical examinations have on the provision of motor vehicle insurance benefits in the state; a review of the medical service providers who perform independent medical examinations; a review of how other states regulate independent medical examinations; and any recommendations."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2308, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2308 was placed on the Sixth order on the calendar.

Page 2, line 2, replace "\$600,000" with "\$89,000"

Page 2, line 5, after the period insert "Of the amount provided, \$39,000 is for the development of gambling counselor certification standards."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

SENATE - This amendment reduces the general fund appropriation for a compulsive gambling prevention, awareness, rehabilitation, and treatment program from \$600,000 to \$89,000, of which \$39,000 is for the development of gambling counselor certification standards.

**REPORT OF STANDING COMMITTEE**

**SB 2315: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2315 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 58-13 of the North Dakota Century Code, relating to immunity from liability; and to"

Page 1, line 10, replace "any ordinance, bylaw," with "the ordinances, bylaws,"

Page 1, line 11, replace "resolution" with "resolutions"

Page 1, line 16, overstrike "legal" and insert immediately thereafter "actual"

Page 1, line 20, overstrike "legal" and insert immediately thereafter "actual"

Page 1, line 23, replace "newspaper" with "newspaper"

Page 2, line 3, replace "five" with "ten"

Page 2, after line 15, insert:

**"SECTION 5.** A new section to chapter 58-13 of the North Dakota Century Code is created and enacted as follows:

Immunity from liability. A poundmaster or an agent of the poundmaster who has custody of an animal under this chapter, is acting in an official capacity, and making a good-faith effort to comply with this chapter is immune from any civil or criminal liability for acts taken or omitted while attempting to comply with this chapter."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2358: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2358 was placed on the Sixth order on the calendar.

Page 1, line 8, remove ""Insurer" means an insurance company or any person authorized to represent"

Page 1, remove line 9

Page 1, line 10, remove "b." and remove "replacement crash"

Page 1, remove lines 12 through 14

Page 1, line 15, replace "d" with "b"

Page 1, remove lines 17 and 18

Page 1, line 19, replace "f" with "c"

Page 1, line 21, replace "g" with "d"

Page 2, line 2, remove "and obtain"

Page 2, remove line 3

Page 2, line 4, remove "representative"

Page 2, line 7, remove "and Authorization"

Page 2, replace lines 13 through 31 with:

"This estimate has been prepared based on the use of automobile parts not made by the original manufacturer. Parts used in the repair of your vehicle by other than the original manufacturer are required to be at least equal in kind and quality in terms of fit, quality, and performance to the original manufactured parts they are replacing."

Page 3, remove lines 1 and 2

Page 3, line 4, replace "original equipment manufacturer" with "or recycled" and after "the" insert "vehicle"

Page 3, line 6, replace "unless the motor vehicle owner consents at the" with a period

Page 3, remove lines 7 through 12

Page 3, line 13, remove "This section only applies to motor vehicles of a model released in the current"

Page 3, remove line 14

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2379: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2379 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 10-30.5-01 of the North Dakota Century Code, relating to North Dakota development fund definitions; and to" and replace "entrepreneur" with "promotion"

Page 1, line 3, replace "**entrepreneur**" with "**promotion**"

Page 1, line 4, replace "entrepreneur screening" with "promotion"

Page 1, line 5, replace "five" with "seven"

Page 1, line 8, after the second "the" insert "North Dakota" and replace "board of higher education" with "university extension service"

Page 1, line 9, replace "designated" with "appointed" and replace "board" with "governor"

Page 1, line 10, replace "and a representative" with "two representatives"

Page 1, line 11, after "governor" insert "; and a representative of the farm credit system, appointed by the governor"

Page 1, line 12, replace "entrepreneur" with "promotion"

Page 1, line 14, replace "In order to be" with "The board shall meet on a regular schedule to review project proposals and prioritize projects based on the projects' likelihood for success. The board shall promote the formation, development, and growth of these projects and take steps to improve the projects' chances for success."

Page 1, remove lines 15 through 20

Page 1, line 21, replace "approved" with "selected for promotion" and after "financing" insert "advisory"

Page 1, line 22, after "financing" insert "advisory" and replace "must" with "may"

Page 1, line 24, replace "grant writing" with "capital formation" and after "financing" insert "advisory"

Page 2, line 2, replace "entrepreneur" with "project" and replace "improving the" with "completing a feasibility study and a"

Page 2, line 3, replace "grant" with "early stage" and after "financing" insert "advisory"

Page 2, line 4, remove "entrepreneur with the approved" and replace "the business plan and shall" with "equity investors, establishing an initial board of directors, locating professional services for completion of"

Page 2, remove line 5

Page 2, line 6, remove "higher education for any assistance provided in creating", after "plan" insert a comma, and after "and" insert "in approaching lenders"

Page 2, line 7, remove "The screening board representative of the state"

Page 2, remove lines 8 and 9

Page 2, line 10, replace "entrepreneur" with "promotion"



Page 2, line 12, replace "screening" with "value-added agriculture promotion", after "and" insert "members of", and after "financing" insert "advisory"

Page 2, after line 14, insert:

**"SECTION 2.** A new subsection to section 10-30.5-01 of the North Dakota Century Code is created and enacted as follows:

"Production agriculture" means the production of crops and livestock on or near a farm as part of the regular farm enterprise directed by a farm operator and the farm operator's partners. The term does not include an investor-owned livestock feeding or milking operation located apart from a farm headquarters which is managed by employees."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2397: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2397 was placed on the Sixth order on the calendar.

Page 2, line 1, remove the overstrike over "~~person as described~~"

Page 2, line 2, remove the overstrike over "~~under subsection 1 or 2~~" and remove "manufacturer or retailer holding a valid manufacturer's or"

Page 2, line 3, remove "retailer's license issued by the state of its domicile"

Page 2, line 9, replace "shipper license" with "shipping permit"

Page 2, line 10, replace "one thousand" with "fifty", replace "before" with "within thirty days of", and replace "sale or" with "first"

Page 2, line 14, remove "quarterly"

Page 2, line 18, replace "twenty-five" with "one" and replace "shipper" with "shipping"

Page 2, line 19, replace "license" with "permit"

Page 3, line 22, remove the overstrike over "~~person as described~~"

Page 3, line 23, remove the overstrike over "~~under subsection 1 or 2~~" and remove "manufacturer or retailer holding a valid manufacturer's or"

Page 3, line 24, remove "retailer's license issued by the state of its domicile"

Page 3, line 30, replace "shipper license" with "shipping permit"

Page 3, line 31, replace "one thousand" with "fifty"

Page 4, line 4, remove "quarterly"

Page 4, line 8, replace "twenty-five" with "one"

Page 4, line 9, replace "shipper license" with "shipping permit"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2407: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2407 was placed on the Sixth order on the calendar.

Page 1, line 11, remove the second "or"

Page 1, line 13, after "manufacturer" insert "; or"

- e. The distributor has not met the manufacturer's minimum order quantity and freight terms"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2435: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2435 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2452: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2452 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4016: 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). SCR 4016 was placed on the Sixth order on the calendar.

Page 1, line 21, replace "and" with a comma and after "Department" insert ", the North Dakota Curling Association, the United States Curling Association, and the World Curling Federation"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4032: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4032 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4033: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4033 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4034: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4034 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1062: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1062 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1128, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1128 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1132, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1132 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1138: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1138 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1139: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1139 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1140: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1140 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1178, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1178 was placed on the Fourteenth order on the calendar.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

Sen. T. Mathern and Rep. Kliniske introduced:

**SCR 4041:** A concurrent resolution directing the Legislative Council to study the financial impact of credit card fees imposed on public institutions of higher education and the social effects of credit card debt on young adults.

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

Sens. Stenehjem, Flakoll, Grindberg, Holmberg and Reps. Carlson, Clark introduced:

**SCR 4042:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of a centralized process for administrating noncriminal traffic violations.

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

**FIRST READING OF HOUSE BILLS**

**HB 1044:** A BILL for an Act to amend and reenact sections 12-47-36 and 12-59-04 of the North Dakota Century Code, relating to open records and parole records of the department of corrections and rehabilitation; and to declare an emergency.

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

**HB 1066:** A BILL for an Act to amend and reenact subsection 1 of section 47-30.1-22 and subsection 2 of section 47-30.1-35 of the North Dakota Century Code, relating to abandoned property under the Uniform Unclaimed Property Act.

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

**HB 1087:** A BILL for an Act to amend and reenact subsections 3 and 4 of section 52-04-05, section 52-04-08, and subsection 1 of section 52-04-11.1 of the North Dakota Century Code, relating to unemployment compensation employer industrial classification, employer experience record, employer experience record transfers, and corporate officer personal liability; and to provide a penalty.

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

**HB 1161:** A BILL for an Act to amend and reenact section 65-05-12.2 of the North Dakota Century Code, relating to workers' compensation permanent impairment awards; and to provide an effective date.

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

**HB 1203:** A BILL for an Act to provide for remedies for nonconformities in farm equipment; and to repeal section 51-07-07 of the North Dakota Century Code, relating to voiding or rescinding contracts for the purchase of farm machinery.

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

**HB 1225:** A BILL for an Act to amend and reenact section 15-38-18.2 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-13-14 of the North Dakota Century Code, relating to background checks for teacher licensure applicants.

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

**HB 1249:** A BILL for an Act to provide an appropriation to the state board of animal health for the purpose of defraying the expenses associated with the control of Johnne's disease in North Dakota.

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

**HB 1260:** A BILL for an Act to amend and reenact section 65-04-19.3 of the North Dakota Century Code, relating to third-party recovery on workers' compensation deductible accounts; and to provide an effective date.

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

**HB 1277:** A BILL for an Act to create and enact a new section to chapter 26.1-36.4 of the North Dakota Century Code, relating to acceptable methods of employer payment of employee health insurance premiums.

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

**HB 1301:** A BILL for an Act to amend and reenact subsection 2 of section 14 of chapter 169 of the 1999 Session Laws, relating to school district reorganization bonuses; to provide an appropriation; and to declare an emergency.

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

**HB 1302:** A BILL for an Act to amend and reenact section 47-14-09 of the North Dakota Century Code, relating to the application of state usury laws to licensed pawnbrokers.

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

**HB 1322:** A BILL for an Act to create and enact a new section to chapter 36-09 of the North Dakota Century Code, relating to livestock identification.

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

**HB 1342:** A BILL for an Act to amend and reenact sections 32-09.1-09, 32-09.1-14, 32-09.1-19, and 32-09.1-21 of the North Dakota Century Code, relating to garnishment disclosure forms.

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

**HB 1363:** A BILL for an Act to create and enact a new subsection to section 12.1-17-01 of the North Dakota Century Code, relating to a mandatory assessment process for simple assault in domestic violence cases; to amend and reenact subsection 2 of section 12.1-17-01 and subsection 1 of section 12.1-32-01 of the North Dakota Century Code, relating to the penalty for assault in a domestic violence case and supervision of probation; and to provide a penalty.

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

**HB 1379:** A BILL for an Act to create and enact a new subsection to section 44-08-20 of the North Dakota Century Code, relating to the authority of peace officers to use certain instruments or devices.

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

**HB 1390:** A BILL for an Act to provide a legislative council study of biodiesel fuel and its integration into the agricultural economy of this state.

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

**HB 1401:** A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to inmate accounts, payment of inmate financial obligations, and payment for medical and health care costs.

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

**HB 1406:** A BILL for an Act to amend and reenact subsection 8 of section 26.1-01-03 of the North Dakota Century Code, relating to the duty of the insurance commissioner to send annual reports.

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

**HB 1422:** A BILL for an Act to amend and reenact sections 45-11-01 and 47-25-01 of the North Dakota Century Code, relating to fictitious and trade names.

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

**HB 1426:** A BILL for an Act to amend and reenact subsection 11 of section 16.1-01-12, subsection 4 of section 16.1-08.1-01, and sections 16.1-08.1-03.1 and 16.1-08.1-04 of the North Dakota Century Code, relating to initiated or referred measure contribution statements definitions and contribution reporting; and to repeal section 16.1-08.1-03.6 of the North Dakota Century Code, relating to federal campaign committee contributions and contributions made to other candidates.

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

**HB 1453:** A BILL for an Act to create and enact a new subsection to section 12.1-05-02 and a new subsection to section 12.1-32-07 of the North Dakota Century Code, relating to execution of public duty and conditions of probation.

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

**HB 1460:** A BILL for an Act to amend and reenact section 40-63-07 of the North Dakota Century Code, relating to the limitation on the total amount of tax credits for investments in renaissance fund corporations; and to provide an effective date.

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

**HB 1462:** A BILL for an Act to amend and reenact section 43-17-41 of the North Dakota Century Code, relating to the duty to report injuries.

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

**HB 1471:** A BILL for an Act to amend and reenact subsection 3 of section 52-04-05 of the North Dakota Century Code, relating to unemployment compensation employer rates; to provide an effective date; and to declare an emergency.

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

**HB 1479:** A BILL for an Act to create and enact chapter 57-34.1 of the North Dakota Century Code, relating to the taxation of mobile telecommunications; and to provide an effective date.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

**HCR 3024:** A concurrent resolution urging Congress to raise the level of federal funding for the education of children with disabilities.

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

**HCR 3027:** A concurrent resolution urging Congress to correct the inequities of international trade policy.

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

**HCR 3030:** A concurrent resolution urging Congress to increase Medicare reimbursement for health care providers, to use an appropriate amount of the federal budget surplus to equalize Medicare rates within North Dakota and within the nation, and to delay implementation of the proposed Medicare ambulance reimbursement fee schedule.

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

**HCR 3034:** A concurrent resolution urging Congress to eliminate the Social Security disability insurance offset and supplemental security insurance offset for recipients of workers' compensation benefits.

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

**HCR 3037:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of creating cost-sharing or funding mechanisms for the unexpected discovery of cultural resources within local road projects.

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

**HCR 3039:** A concurrent resolution to encourage the Secretary of State to appoint a committee to conduct a comprehensive study of North Dakota election laws.

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

**HCR 3047:** A concurrent resolution directing the Legislative Council to study the property tax assessment and valuation of agricultural property.

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**

