

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, February 5, 2003

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

The prayer was offered by Chaplain Clyde Leimberer, The Baptist Home, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2085: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ page 218 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2041: SEN. TRENBEATH (Judiciary Committee) MOVED that the amendments on SJ page 218 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, 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 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2214: SEN. SYVERSON (Political Subdivisions Committee) MOVED that the amendments on SJ page 220 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2214: A BILL for an Act to amend and reenact section 11-11-49 of the North Dakota Century Code, relating to rewards offered by a board of county commissioners.

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, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2214 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2228: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ pages 220-221 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2228: A BILL for an Act to amend and reenact sections 44-04-18.12, 51-15-01, 51-15-04, 51-15-05, 51-15-06, 51-15-06.1, 51-15-07, 51-15-08, 51-15-10, and 51-15-11 of the North Dakota Century Code, relating to the confidentiality of agreements between a governmental agency in another jurisdiction and the attorney general and to unlawful sales or advertising practices; to provide a penalty; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2228 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2231: SEN. ESPEGARD (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 222 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act to amend and reenact sections 49-21-01, 49-21-01.3, 49-21-04, 49-21-05, 49-21-07, 49-21-08.1, 49-21-10.1, 49-21-20, and 49-21-23 of the North Dakota Century Code, relating to definitions, price changes, price schedules, dialing parity, refunds, penalties, and cost recovery for telecommunications services and telecommunications companies; and to repeal section 49-21-19 of the North Dakota Century Code, relating to telephone directory notices.

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, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2231 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2243: SEN. G. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ page 222 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2243: A BILL for an Act to amend and reenact subsection 1 of section 18-10-04 of the North Dakota Century Code, relating to the board of directors of a rural fire protection district.

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, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2243 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2256: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ page 222 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2256: A BILL for an Act to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to plant and seed records.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Bercier; Bowman; Christenson; Fairfield; Krauter; Mathern; O'Connell

Engrossed SB 2256 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2262: SEN. MUTCH (Transportation Committee) MOVED that the amendments on SJ pages 222-223 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2262: A BILL for an Act to create and enact a new subsection to section 26.1-40-15.6 of the North Dakota Century Code, relating to limitations on uninsured or underinsured coverage.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Robinson

Engrossed SB 2262 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2339: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ page 223 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2339: A BILL for an Act to provide for the interstate transfer or travel of probationers; to provide for a continuing appropriation; and to provide an appropriation.

ROLL CALL

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

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

NAYS: Polovitz

Engrossed SB 2339 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2178: SEN. SYVERSON (Finance and Taxation Committee) MOVED that the amendments on SJ pages 218-220 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2178: A BILL for an Act to amend and reenact sections 2-06-02 and 2-06-03 of the North Dakota Century Code, relating to the dissolution of airport authorities.

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, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2178 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SCR 4007: SEN. KREBSBACH (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 223-224 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4007: A concurrent resolution urging the President and Congress to end the embargo on United States agricultural and manufactured products and expand trade with the Republic of Cuba and to end the travel restrictions that prohibit most United States citizens from visiting the Republic of Cuba.

The question being on the final adoption of the amended resolution, which has been read.

Engrossed SCR 4007 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE BILL

SB 2163: A BILL for an Act to amend and reenact section 12.1-20-05.1 of the North Dakota Century Code, relating to the penalty for luring a minor by computer.

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 0 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2163 lost.

SECOND READING OF SENATE BILL

SB 2145: A BILL for an Act to amend and reenact subsections 1, 3, and 4 of section 43-23-11.1 of the North Dakota Century Code, relating to real estate broker and real estate salesperson fines and recovery of investigation and legal fees; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Mutch; Tollefson

SB 2145 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2146: A BILL for an Act to amend and reenact sections 43-23-13 and 43-23-13.1 of the North Dakota Century Code, relating to real estate broker and real estate salesperson license and renewal fees.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 32 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Brown; Christenson; Dever; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Polovitz; Robinson; Seymour; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Wardner

NAYS: Bercier; Bowman; Christmann; Cook; Erbele; Every; Fairfield; Heitkamp; Krauter; Mutch; Nichols; Schobinger; Stenehjem; Tollefson; Urlacher

SB 2146 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2182: A BILL for an Act to amend and reenact section 15.1-27-05 of the North Dakota Century Code, relating to the school district equalization factor.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 30 YEAS, 17 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, J.; Lyson; Mutch; Nething; Polovitz; Schobinger; Seymour; Stenehjem; Syverson; Thane; Tollefson; Traynor; Urlacher; Wardner

NAYS: Bercier; Erbele; Every; Fairfield; Heitkamp; Klein; Krauter; Lee, G.; Lindaas; Mathern; Nelson; Nichols; O'Connell; Robinson; Tallackson; Taylor; Trenbeath

SB 2182 passed and the title was agreed to.

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 2030, SB 2037, SB 2111, SB 2127, SB 2150, SB 2192, SB 2198, SCR 4005, SCR 4009, SCR 4010.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2151, SB 2212.

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 1037, HB 1056, HB 1119, HB 1120, HB 1137, HB 1221, HB 1250, HB 1251, HB 1279, HB 1288, HB 1310, HB 1386, HB 1436.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1298.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 5, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2070: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2070 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2095: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2095 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to repeal chapter 57-39.4 of the North Dakota Century Code, relating to participation in multistate discussions and entering the streamlined sales and use tax agreement;"

Page 23, after line 30, insert:

"SECTION 2. REPEAL. Chapter 57-39.4 of the North Dakota Century Code, as it exists on July 31, 2003, is repealed."

Page 24, line 1, replace "This" with "Section 1 of this"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2096: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2096 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2147, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2147 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2154: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2154 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and" and after "15.1-27-37" insert ", and 15.1-27-39"

Page 1, line 4, after "compensation" insert "; and to provide an appropriation"

Page 1, line 10, replace "thirty" with "ninety-seven"

Page 1, line 11, replace "twenty-eight" with "eighty-nine"

Page 1, line 21, overstrike "Each district having under seventy-five students in average daily membership in"

Page 1, line 22, overstrike "grades nine through twelve is entitled to receive" and remove "for the first year of the 2003-2005"

Page 1, line 23, remove "biennium" and overstrike "the amount of money that results from multiplying the factor 1.625"

Page 1, line 24, overstrike "adjusted by", remove "eighty-five", and overstrike "percent of the difference between 1.625 and"

Page 2, overstrike lines 1 through 3

Page 2, line 4, overstrike "the per student payment provided for in section 15.1-27-04." and remove "For the second year"

Page 2, remove lines 5 through 7

Page 2, line 8, overstrike "2." and overstrike "at least seventy-five but fewer than" and insert immediately thereafter "under"

Page 2, line 9, remove "for"

Page 2, line 10, remove "the first year of the 2003-2005 biennium"

Page 2, line 16, replace "For the second year of the 2003-2005 biennium and all succeeding" with "Beginning July 1, 2004, the factor is that which represents"

Page 2, remove line 17

Page 2, line 18, remove "the factor representing"

Page 2, line 19, after "category" insert ", as determined by the superintendent of public instruction"

Page 2, line 20, overstrike "3." and insert immediately thereafter "2."

Page 2, line 22, remove "for the first year of the 2003-2005 biennium"

Page 2, line 28, replace "For the second year of the 2003-2005" with "Beginning July 1, 2004, the factor is that which represents"

Page 2, remove line 29

Page 2, line 30, remove "difference between 1.24 and the factor representing"

Page 2, line 31, after "category" insert ", as determined by the superintendent of public instruction"

Page 3, line 1, overstrike "4." and insert immediately thereafter "3."

Page 3, line 2, remove "for the first year of"

Page 3, line 3, remove "the 2003-2005 biennium"

Page 3, line 8, replace "For the" with "Beginning July 1, 2004, the factor is that which represents"

Page 3, remove lines 9 and 10

Page 3, line 11, after "category" insert ", as determined by the superintendent of public instruction"

Page 3, line 12, overstrike "5." and insert immediately thereafter "4."

Page 3, overstrike lines 16 through 19

Page 3, line 20, overstrike "at least seventy-five but"

Page 3, line 22, overstrike "c." and insert immediately thereafter "b." and overstrike "3" and insert immediately thereafter "2"

Page 3, line 26, overstrike "d." and insert immediately thereafter "c." and overstrike "4" and insert immediately thereafter "3"

Page 3, line 30, overstrike "6." and insert immediately thereafter "5."

Page 4, line 11, remove "for the"

Page 4, line 12, remove "first year of 2003-2005 biennium"

Page 4, line 18, replace "For the second year of" with "Beginning July 1, 2004, the factor is that which represents"

Page 4, remove line 19

Page 4, line 20, remove "of the difference between 1.28 and the factor representing"

Page 4, line 21, after "category" insert ", as determined by the superintendent of public instruction"

Page 5, line 8, remove "for the first year of the 2003-2005 biennium"

Page 5, line 14, replace "For the second year of the biennium" with "Beginning July 1, 2004, the factor is that which represents"

Page 5, remove line 15

Page 5, line 16, remove "between 1.09 and the factor representing"

Page 5, line 17, after "category" insert ", as determined by the superintendent of public instruction"

Page 5, line 22, remove "for the first year of the 2003-2005 biennium"

Page 5, line 28, replace "For the second year of the biennium" with "Beginning July 1, 2004, the factor is that which represents"

Page 5, remove line 29

Page 5, line 30, remove "between .905 and the factor representing"

Page 5, line 31, after "category" insert ", as determined by the superintendent of public instruction"

Page 6, line 4, remove "for the first year of the"

Page 6, line 5, remove "2003-2005 biennium"

Page 6, line 10, replace "For the second" with "Beginning July 1, 2004, the factor is that which represents"

Page 6, remove line 11

Page 6, line 12, remove "percent of the difference between .95 and the factor representing"

Page 6, line 13, after "category" insert ", as determined by the superintendent of public instruction"

Page 6, line 17, remove "for the first year of the 2003-2005 biennium"

Page 6, line 23, replace "For the second year of the biennium and all succeeding" with "Beginning July 1, 2004, the factor is that which represents"

Page 6, remove line 24

Page 6, line 25, remove "the factor representing"

Page 6, line 26, after the underscored comma insert "as determined by the superintendent of public instruction."

Page 7, line 2, remove "for the first year of the 2003-2005"

Page 7, line 3, remove "biennium"

Page 7, line 11, replace "For the second year of the" with "Beginning July 1, 2004, the factor is that which represents"

Page 7, remove line 12

Page 7, line 13, remove "difference between 1.01 and the factor representing"

Page 7, line 14, after "category" insert ", as determined by the superintendent of public instruction"

Page 7, line 16, remove "for the first year of the 2003-2005 biennium"

Page 7, line 22, replace "For the" with "Beginning July 1, 2004, the factor is that which represents"

Page 7, remove line 23

Page 7, line 24, remove "hundred percent of the difference between .50 and the factor representing"

Page 7, line 25, after "category" insert ", as determined by the superintendent of public instruction"

Page 8, line 15, after the second boldfaced period insert:

"1."

Page 8, line 16, overstrike "the average valuation of property per student by dividing the"

Page 8, overstrike lines 17 through 31

Page 9, line 1, overstrike "4. Multiply the result determined under subsection 3 by" and remove "a factor"

Page 9, remove lines 2 and 3

Page 9, line 4, remove "this section in payments to qualifying school districts" and overstrike ". The result is the"

Page 9, overstrike line 5

Page 9, line 6, overstrike "other amount provided under chapter 15.1-27" and insert immediately thereafter "a school district's average revenue per student by multiplying the taxable valuation of a school district by its general fund mill levy rate, adding to the product all county, state, and unrestricted federal revenue received by the district, adding all tuition apportionment payments received by the district, and dividing the total by the number of students in average daily membership in the district."

2. Using the calculations of subsection 1, the superintendent of public instruction shall also determine the state average revenue per student.

3. If a school district has a general fund levy of one hundred eighty mills or more and has an average revenue per student which is below the state average revenue per student, the school district is eligible to receive supplemental payments under this section.

4. In order to determine the amount of supplemental payments to which an eligible school district is entitled under this section, the superintendent of public instruction shall:

a. Divide the state average revenue per student by the school district's average revenue per student;

- b. Multiply the result determined under subdivision a by the number of students in average daily membership in the school district; and
- c. Prorate the product determined under subdivision b for each eligible school district in relation to the total biennial appropriation for supplemental payments under this section"

Page 9, remove lines 24 through 31

Page 10, remove lines 1 and 2

Page 10, line 3, overstrike "b.", remove the overstrike over "~~Except as provided in subdivision~~", after "year" insert "b, for each year of the biennium", and remove the overstrike over ";
the"

Page 10, remove the overstrike over lines 4 and 5

Page 10, line 6, remove the overstrike over "~~the district as of September~~", after "2002" insert "fifteenth of each school year", remove the overstrike over the overstruck period, and remove "Reimbursement to a school district for"

Page 10, remove lines 7 through 18

Page 10, line 19, after "e:" insert "b.", after the second "the" insert "The", and remove the overstrike over "~~reimbursement under this section for each~~"

Page 10, line 20, remove the overstrike over "~~individual employed as of September~~", after "2002" insert "fifteenth of each school year", and remove the overstrike over "~~as a full-time equivalent~~"

Page 10, remove the overstrike over lines 21 through 24

Page 10, after line 30, insert:

"SECTION 6. AMENDMENT. Section 15.1-27-39 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-39. Annual salary - Minimum amount. Beginning with the ~~2004-02~~ 2003-04 school year, the board of each school district shall provide to each full-time teacher, under contract for a period of nine months, a ~~base salary level of salary~~ for the contract period equal to at least ~~eighteen~~ twenty thousand five hundred dollars. Beginning with the ~~2002-03~~ 2004-05 school year, the board of each school district shall provide to each full-time teacher, under contract for a period of nine months, a base salary level for the contract period equal to at least ~~twenty~~ twenty-one thousand five hundred dollars.

SECTION 7. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing supplemental payments to school districts, for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 8. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing reorganization bonuses under section 15.1-12-11.1 to school districts, for the biennium beginning July 1, 2003, and ending June 30, 2005. The superintendent of public instruction shall determine the eligibility of reorganized districts chronologically, according to the date on which each district's reorganization plan was approved by the state board of public school education. No reorganization bonus payable under this Act may exceed \$500,000. A reorganized district that receives a reorganization bonus under this Act is not eligible to receive additional reorganization bonuses based on future reorganization efforts for a period of ten years."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2162: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2162 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2166: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2166 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2216: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2216 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "**Complaint**" with "**Grievance**"

Page 1, remove lines 7 through 14

Page 1, line 15, remove "3."

Page 1, line 16, replace "an individual who has a grievance under this" with "a student or an individual employed by the board of the district who has a grievance against another student or individual employed by the board of the district may have that grievance addressed."

Page 1, remove lines 17 through 19

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2232: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2232 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2238: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2238 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "limitations on" and replace "premiums" with "notice requirements"

Page 1, line 4, replace "**Premium limitations**" with "**Notice requirements**"

Page 1, line 5, replace the comma with "and that insurer continues to write comprehensive and collision coverage on that automobile, the insurer shall provide notice to the insured that:

1. The insurer determined the automobile is a total loss;
2. The insured's current coverage on that automobile includes comprehensive and collision coverage;
3. If the insured does not repair the automobile, the insurer will reduce the amount of any future physical damage claim for that automobile by the amount paid for the total loss; and
4. If the insured does not repair that automobile, the insured should contact the agent to request that the comprehensive and collision coverage on that automobile be discontinued."

Page 1, remove lines 6 and 7

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2239: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2239 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2281: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2281 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2287: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2287 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of licensure of accredited business accountants.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. ACCREDITED BUSINESS ACCOUNTANT LICENSURE - LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 2003-04 interim, the feasibility and desirability of providing for the licensure of accredited business accountants. If the study is selected by the legislative council, the legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2302: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2302 was placed on the Sixth order on the calendar.

Page 1, line 10, after the period insert "This subsection does not apply if other payment arrangements have been entered between the debtor and creditor or in cases of financial hardship as certified by the creditor."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2304: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2304 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2305: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2305 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-07 and a new section to chapter 15.1-27 of the North Dakota Century Code, relating to approved joint powers agreements and reimbursement for participation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Joint powers agreement - Approval by superintendent of public instruction
- Criteria. In order for the superintendent of public instruction to approve a joint powers agreement, the superintendent shall determine and annually verify that:

1. a. The participating school districts are contiguous; and
- b.
 - (1) The total land mass of the participating school districts exceeds four thousand square miles [1035995 hectares];
 - (2) The total land mass of the participating school districts exceeds two thousand five hundred square miles [647497 hectares] and the participating school districts number at least six; or
 - (3) The total land mass of the participating school districts exceeds two thousand five hundred square miles [1035995 hectares] and the total number of students in average daily membership in the participating school districts exceeds two thousand five hundred.
2. The joint powers agreement provides that a school district contiguous to those already participating in the joint powers agreement may become a participant in the agreement at any time.
3. The joint powers agreement requires that the participating school districts agree to maintain a joint operating fund, agree to share administrative functions, or agree to implement various common requirements; provided that:
 - a. If the participating school districts agree to establish a joint operating fund, the joint powers agreement must require that during the first school year following approval, the participating school districts shall establish a joint operating fund equal to at least two percent of the participating districts' total expenditures for the school year ending on the June thirtieth preceding the date of approval; during the second school year following approval, the participating school districts shall establish a joint operating fund equal to at least four percent of the participating districts' total expenditures for the school year ending on the June thirtieth preceding the date of approval; and during the fifth school year following approval, the participating school districts shall establish a joint operating fund equal to at least six percent of the participating districts' total expenditures for the school year ending on the June thirtieth preceding the date of approval;
 - b. If the participating school districts agree to share administrative functions, the joint powers agreement must require that during the first school year following approval, all of the participating districts shall share in the administration of at least three services; during the third school year following approval, all of the participating districts shall share in the administration of at least five services; and during the fifth school year following approval, all of the participating districts shall share in the administration of at least seven services; and that the list of services for which the participating districts must share administration as required by this subsection are:
 - (1) Federal title program management;
 - (2) Staff development;
 - (3) Special education delivery;
 - (4) Curriculum development or delivery;
 - (5) Vocation education delivery;
 - (6) Student instructional support;
 - (7) Media and technology;
 - (8) Business management;

- (9) Distance learning;
 - (10) Student counseling;
 - (11) Food and nutrition;
 - (12) Facility safety and health;
 - (13) School accreditation and improvement; and
 - (14) Transportation; and
- c. If the participating school districts agree to implement various common requirements, the joint powers agreement must require that during the first school year following approval, all of the participating districts shall implement at least three requirements; during the third school year following approval, all of the participating districts shall implement at least six requirements; and during the fifth school year following approval, all of the participating districts shall implement at least eight requirements; and that the list of requirements from which the participating districts must make their selections as required by this subsection are:
- (1) A common school calendar;
 - (2) A common class schedule;
 - (3) A common intranet communication system;
 - (4) A common class registration process for grades seven through twelve;
 - (5) A common curriculum for each grade level from kindergarten through six;
 - (6) A common student data system;
 - (7) A common school improvement and staff development process;
 - (8) Common services, as set forth in a five-year plan;
 - (9) A school facilities plan; and
 - (10) Joint funding of dual credit and advance placement courses.
4. The joint powers agreement provides for the employment and compensation of a chief administrator and other staff necessary to carry out the provisions of the agreement and the requirements of this Act.

SECTION 2. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Approved joint powers agreement - Reimbursement by superintendent of public instruction.

- 1. The individual employed as a chief administrator for the purpose of carrying out the provisions of a joint powers agreement and any requirements under section 1 of this Act shall submit to the superintendent of public instruction, at the time and in the manner designated by the superintendent, receipts for expenses incurred during a school year in delivering services and programs under section 1 of this Act.
- 2. The superintendent of public instruction, upon verifying the receipts, shall reimburse the chief administrator of the joint powers agreement for any expenses incurred in delivering services and programs under the auspices of the joint powers agreement as provided in section 1 of this Act. The reimbursement may not exceed the lesser of:
 - a. The total expenses incurred in delivering services and programs under section 1 of this Act; or

- b. One hundred thousand dollars.
3. The chief administrator shall deposit any moneys received under subsection 2 in the participating districts' joint operating fund.
4. The superintendent of public instruction may not provide any reimbursement under this section unless the joint powers agreement under which the services and programs are delivered has been approved by the superintendent."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2309: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2309 was placed on the Sixth order on the calendar.

Page 1, line 17, after "penalty" insert "that exceeds one hundred fifty dollars"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2317: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2317 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2340: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2340 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2357: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2357 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2360: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2360 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2383: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2383 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2384: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2384 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2395: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2395 was placed on the Eleventh order on the calendar.

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

WILLIAM R. HORTON, Secretary

