

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, January 29, 2001

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

The prayer was offered by Pastor Bob Weiss, Bismarck Baptist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that Engrossed SB 2098, which is on the Eleventh order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2098 was rereferred.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2244, which is on the Eleventh order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2244 was rereferred.

## CONSIDERATION OF AMENDMENTS

**SB 2063: SEN. KROEPLIN (Finance and Taxation Committee) MOVED** that the amendments on SJ page 189 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2068: SEN. WARDNER (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 189-190 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2074: SEN. WANZEK (Agriculture Committee) MOVED** that the amendments on SJ page 190 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2104: SEN. KLEIN (Agriculture Committee) MOVED** that the amendments on SJ page 190 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2150: SEN. KLEIN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 190-192 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2228: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED** that the amendments on SJ page 193 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1050: SEN. WARDNER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 194 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2140: SEN. ESPEGARD (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 190 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2140 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2140:** A BILL for an Act to amend and reenact subsection 1 of section 43-15-31.4 of the North Dakota Century Code, relating to limited prescriptive practices of pharmacists.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, 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; 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; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2140 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2010:** A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts and an appropriation of funds from the cultural endowment fund.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, 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; 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; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2010 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2046:** A BILL for an Act to create and enact a new section to chapter 12.1-18 and five new sections to chapter 14-05 of the North Dakota Century Code, relating to the removal of children from the state, to decrees of separation, and the duty to support children; to amend and reenact sections 14-04-04, 14-05-03, 14-05-08, 14-05-10, 14-05-17, 14-05-23, 14-05-25.1, and 14-09-08 of the North Dakota Century Code, relating to decrees of separation and divorce; to repeal sections 14-05-11 and 14-05-12 and chapter 14-06 of the North Dakota Century Code, relating to separation from bed and board and grounds for divorce; 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, and has committee recommendation of DO PASS, 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; 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; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2046 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2117:** A BILL for an Act to create and enact a new subsection to section 43-17-32.1, a new subsection to section 44-04-17.1, a new subsection to section 44-04-18, a new

subsection to section 44-04-18.7, and section 44-04-21.3 of the North Dakota Century Code, relating to open records and open meetings; to amend and reenact subsections 10, 12, and 13 of section 44-04-17.1, subsections 5 and 7 of section 44-04-18, subsection 1 of section 44-08-18.1, subsection 6 of section 44-04-19.1, subsection 5 of section 44-04-19.2, and subsections 1 and 3 of section 44-04-21.2 of the North Dakota Century Code, relating to open records and open meetings; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, 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; 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; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2117 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2190:** A BILL for an Act to amend and reenact subsections 2 and 4 of section 6-08-16 and subsections 4 and 6 of section 6-08-16.2 of the North Dakota Century Code, relating to issuing a check or draft without sufficient funds or account and notice of dishonor.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 4 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; Kroepflin; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Andrist; Lyson; Nelson, G.; Nichols

Engrossed SB 2190 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2196:** A BILL for an Act to create and enact a new section to chapter 28-21 of the North Dakota Century Code, relating to execution on moneys retained by garnishment.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, 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; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** O'Connell

Engrossed SB 2196 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2206:** A BILL for an Act to amend and reenact section 43-23.3-04, subsection 2 of section 43-23.3-08, subsection 1 of section 43-23.3-09, and section 43-23.3-23 of the North Dakota Century Code, relating to permits to practice as a real estate appraiser; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, 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; Espeguard; 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; Wanzek; Wardner; Watne

**NAYS:** Andrist; Urlacher

Engrossed SB 2206 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2026:** A BILL for an Act to amend and reenact section 54-59-11 of the North Dakota Century Code, relating to state agency information technology plans and telecommuting.

**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 35 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Erbele; Every; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Stenehjem; Tallackson; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek

**NAYS:** Cook; Dever; Espeguard; Grindberg; Kilzer; Krebsbach; Kringstad; Lee; Mutch; Nelson, G.; Solberg; Thane; Wardner; Watne

SB 2026 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2057:** A BILL for an Act to amend and reenact section 18-11-26 of the North Dakota Century Code, relating to alternate firefighters relief association plan benefits.

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

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espeguard; 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; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Solberg; Trenbeath

SB 2057 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2152:** A BILL for an Act to amend and reenact sections 36-05.1-01, 36-05.1-02, 36-05.1-03, 36-05.1-04, 36-05.1-06, and 36-05.1-07 of the North Dakota Century Code, relating to adopting laws on satellite video livestock auctions to include the licensing of internet livestock auction markets.

**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 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

SB 2152 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2188:** A BILL for an Act to amend and reenact section 44-08-01 of the North Dakota Century Code, relating to a governmental purchase preference to residents.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Cook; Dever; Freborg; Grindberg; Heitkamp; Nelson, G.; O'Connell; Solberg; Tomac

**NAYS:** Andrist; Bercier; Christenson; Christmann; Erbele; Espegard; Every; Fischer; Flakoll; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; Polovitz; Robinson; Schobinger; Stenehjem; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2188 lost.

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**SECOND READING OF SENATE BILL**

**SB 2192:** A BILL for an Act to amend and reenact subsection 3 of section 26.1-38.1-01 of the North Dakota Century Code, relating to equity indexed life and annuity insurance contracts.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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

SB 2192 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2194:** A BILL for an Act to amend and reenact section 6-09-15.5 of the North Dakota Century Code, relating to Bank of North Dakota loans to beginning farmers.

**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 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; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2194 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2197:** A BILL for an Act to amend and reenact subsection 1 of section 11-07-04 of the North Dakota Century Code, relating to the terms of office of members of the board of county commissioners.

**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 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; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2197 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2199:** A BILL for an Act to amend and reenact section 43-13-13.3 of the North Dakota Century Code, relating to optometrist treatment of primary open-angle glaucoma.

**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 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; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2199 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2215:** A BILL for an Act to repeal chapter 11-26 of the North Dakota Century Code, relating to county debt adjustment boards.

**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 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; 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; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2215 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2222:** A BILL for an Act to amend and reenact section 61-24.5-10 of the North Dakota Century Code, relating to the mill levy for the southwest water authority.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Cook; Dever; Mathern, D.; O'Connell; Stenehjem; Tomac

SB 2222 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2223:** A BILL for an Act to amend and reenact sections 61-24.5-04 and 61-24.5-08 of the North Dakota Century Code, relating to the board of directors of the southwest water authority; and to repeal section 61-24.5-05 of the North Dakota Century Code, relating to the initial board of directors of the southwest water authority.

#### 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 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

SB 2223 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2225:** A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to small game hunting by certain nonresidents born in North Dakota; and to amend and reenact section 20.1-03-07 of the North Dakota Century Code, relating to hunting by nonresidents.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Nichols; Schobinger

**NAYS:** 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; O'Connell; Polovitz; Robinson; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2225 lost.

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### SECOND READING OF SENATE BILL

**SB 2235:** A BILL for an Act to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to the inspection, analysis, and verification of seeds and crops; and to provide for a report.

### 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 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; 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; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2235 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2236:** A BILL for an Act to amend and reenact section 20.1-01-07 of the North Dakota Century Code, relating to offroad hunting.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Erbele; Freborg; Lee; Nichols; Thane; Urlacher

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

SB 2236 lost.

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### POINT OF PERSONAL PRIVILEGE

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

### "PROCLAMATION" - READ BY SENATOR ROBINSON

Catholic schools in North Dakota have provided a quality education for over one hundred years. Thousands of students have received a high caliber academic, values-added education, which creates a responsible and motivated citizenship that impacts the enrichment and growth of our great state.

The National Catholic Education Association and the United States Catholic Conference are co-sponsoring the National Appreciation Day for Catholic Schools on January 31, 2001.

The theme for 2001 is "Celebrate Catholic Schools."

The State of North Dakota recognizes the dedication and commitment of thousands of teachers and other personnel who provide outstanding education in the Catholic schools throughout North Dakota.

For these reasons, I proclaim January 28 - February 3, 2001 as "CATHOLIC SCHOOLS WEEK" in North Dakota.

Signed by the Honorable John Hoeven, Governor.



**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on January 29, 2001: SB 2137.

**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 2112.

**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 2047, SB 2087, SB 2088, SB 2138, SB 2169, SB 2171, SB 2187, SB 2208, SB 2212.

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

**MR. SPEAKER:** The Senate has passed unchanged: HCR 3005.

**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 1211.

**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 1047, HB 1103, HB 1127, HB 1129, HB 1135, HB 1152, HB 1282.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, January 30, 2001, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2031: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2031 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "grant" with "money"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2097: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2097 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 50-24.4 of the North Dakota Century Code, relating to nursing home reporting requirements; to", replace "subdivision a of subsection 1 of section" with "sections", and after "50-24.4-23" insert "and 50-24.4-08"

Page 1, line 2, replace "state-owned human service facility audits" with "reporting requirements for nursing homes; to repeal sections 50-24.4-23 and 50-24.4-25 of the North Dakota Century Code, relating to extending reporting deadlines to nursing homes; to provide an effective date; and to provide an expiration date"

Page 1, line 4, replace "Subdivision a of subsection 1 of section" with "Section"

Page 1, replace lines 6 through 12 with:

**"50-24.4-23. Reporting requirements.**

1. No later than October first of each year, each nursing home ~~which~~ that receives medical assistance payments from the department shall:
  - a. ~~Provide~~ Except for state-owned facilities, provide the department with a copy of its audited report that meets the reporting standards of the American institute of certified public accountants and includes an audited statement of the rate or rates charged to private-paying residents. The examination by the certified public accountant must be conducted in accordance with generally accepted auditing standards as promulgated and adopted by the American institute of certified public accountants;

- b. Provide the department with a statement of ownership for the facility or a certification that ownership has not changed since the most recent statement given pursuant to this subsection;
  - c. Provide the department with ~~separate~~, audited financial statements as specified in subdivision a of this subsection for every other facility owned in whole or in part by an individual or entity which has an ownership interest in the facility;
  - d. Upon request, provide the department with ~~separate~~, audited financial statements as specified in subdivision a of this subsection for every organization with which the facility conducts business and which is owned in whole or in part by an individual or entity which has an ownership interest in the facility;
  - e. Provide the department with copies of leases, purchase agreements, appraisals, financing arrangements, and other documents related to the lease or purchase of the nursing facility, or a certification that the content of any such document remains unchanged since the most recent statement given pursuant to this subsection;
  - f. Upon request, provide the department with copies of leases, purchase agreements, and other documents related to the acquisition of equipment, goods, and services which are claimed as allowable costs; and
  - g. Permit access by the department to the certified public accountant's audit workpapers which support the audited financial statements required in subdivisions a, c, and d of this subsection.
2. Documents or information provided to the department pursuant to this chapter must be public. If the requirements of subsection 1 are not met, the reimbursement rate may be reduced to eighty percent of the rate in effect on the first day of the fourth calendar month after the close of the reporting year, and the reduction must continue until the requirements are met.

**SECTION 2.** A new section to chapter 50-24.4 of the North Dakota Century Code is created and enacted as follows:

Reporting requirements.

1. The department shall establish by rule reporting requirements for each nursing home that receives medical assistance payments from the department.
2. Documents or information provided to the department under this chapter are open records. If the reporting requirements established under subsection 1 are not met, the department may reduce the payment rates to eighty percent of the rates in effect on the first day of the fourth calendar month after the close of the reporting year, and the reduction must continue until the requirements are met.

**SECTION 3. AMENDMENT.** Section 50-24.4-08 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.4-08. Notice of increases to private-paying residents.** No increase in nursing home rates for private-paying residents is effective unless the nursing home notifies the resident or person responsible for payment of the increase in writing thirty days before the increase takes effect. A nursing home may adjust its rates without giving the notice required by this section when the purpose of the rate adjustment is to reflect a necessary change in the category of care provided to a resident. ~~If the department fails to set rates at least forty days prior to the beginning of a rate year, the time required for giving notice is decreased by the number of days by which the department was late in setting the rates.~~

**SECTION 4. REPEAL.** Sections 50-24.4-23 and 50-24.4-25 of the North Dakota Century Code are repealed.

**SECTION 5. EFFECTIVE DATE.** Section 2 of this Act becomes effective on February 1, 2002, and section 4 of this Act becomes effective on January 31, 2002.

**SECTION 6. EXPIRATION DATE.** Section 1 of this Act is effective through January 1, 2002, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2101: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the Sixth order on the calendar.

Page 1, line 2, after "association" insert "; and to declare an emergency"

Page 1, line 14, replace "when" with "as" and remove the underscored period

Page 1, remove line 15

Page 1, line 16, remove "employee of the association, and otherwise proper, is valid and effective"

Page 1, after line 16, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2174: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2174 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "create and enact a new section to chapter 50-24.1 of the North Dakota" with "require a legislative council study."

Page 1, remove line 2

Page 1, replace lines 4 through 8 with:

**"SECTION 1. MEDICAL ASSISTANCE - LEGISLATIVE COUNCIL STUDY REQUIRED.** The legislative council shall study the feasibility of altering North Dakota medical assistance requirements to permit the disregard of income of the spouse of a disabled individual up to the amount of the cap established under section 1924(d)(3)(C) of the Social Security Act [42 U.S.C. 1396r-5(d)(3)(C)]. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2178: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2178 was placed on the Sixth order on the calendar.

Page 9, line 28, after "department" insert ", in consultation with the chairman of the legislative council,"

Page 10, line 15, replace "minimum" with "same" and replace "that would" with "as the issuing state, not to exceed the limit that could"

Page 10, line 23, replace "B" with "A"

Page 11, line 6, replace "B" with "A"

Page 11, line 11, remove "The"

Page 11, remove line 12

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2186: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2186 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2249: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2249 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3003: 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). HCR 3003 was placed on the Sixth order on the calendar.

Page 1, after line 14, insert:

"**BE IT FURTHER RESOLVED**, that the Legislative Council take into consideration subdistricts for the House of Representatives in proposals brought to the Legislative Assembly; and"

Renumber accordingly

#### FIRST READING OF SENATE BILLS

Sens. Holmberg, Tallackson introduced:

**SB 2389:** A BILL for an Act to create and enact a new section to chapter 4-09.1 of the North Dakota Century Code, relating to potato inspections; and to amend and reenact section 4-10-06.1 of the North Dakota Century Code, relating to transfers of certified seed.

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

Sens. Tallackson, Holmberg, T. Mathern and Rep. Schmidt introduced:

**SB 2390:** A BILL for an Act to amend and reenact section 39-10-26 of the North Dakota Century Code, relating to passing an authorized emergency vehicle.

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

Sen. T. Mathern and Rep. S. Kelsh introduced:

**SB 2391:** A BILL for an Act to create and enact a new subsection to section 54-52-04 and three new sections to chapter 54-52.1 of the North Dakota Century Code, relating to the expansion of the uniform group insurance program to allow participation by certain nonprofit corporations; to amend and reenact section 54-52.1-02 of the North Dakota Century Code, relating to subgroups under the uniform group insurance program; to provide a continuing appropriation; and to provide an effective date.

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

Sen. Kroeplin and Rep. Severson introduced:

**SB 2392:** A BILL for an Act to create and enact a new section to chapter 4-09 and a new section to chapter 4-09.1 of the North Dakota Century Code, relating to reporting requirements for the state seed commission.

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

Sen. Mutch introduced:

**SB 2393:** A BILL for an Act to amend and reenact section 23-13-03.2 of the North Dakota Century Code, relating to liquefied petroleum gas containers.

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

Sens. Cook, Fischer, Stenehjem and Reps. Hanson, Porter introduced:

**SB 2394:** A BILL for an Act to create and enact two new sections to chapter 20.1-01 and three new subsections to section 20.1-03-12 of the North Dakota Century Code, relating to fee hunting and guide license fees; and to amend and reenact section 20.1-01-02, subsection 17 of section 20.1-02-05, section 20.1-03-11.2, subsections 34, 35, 36, and 42 of section 20.1-03-12, section 20.1-03-36, and subsections 7, 8, and 9 of section 57-39.2-01 of the North Dakota Century Code, relating to licensing of outfitters and guides and sales tax definitions.

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

Sen. Tollefson introduced:

**SB 2395:** A BILL for an Act to amend and reenact section 39-21-39 of the North Dakota Century Code, relating to windows of motor vehicles.

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

Sens. Holmberg, Traynor, Trenbeath introduced:

**SB 2396:** A BILL for an Act to repeal sections 27-13-05, 27-13-06, and 27-13-07 of the North Dakota Century Code, relating to an attorney's refusal to deliver a client's money or property and the furnishing of a bond.

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

Sens. Kringstad, Lyson, Trenbeath and Reps. Cleary, Herbel, Klemin introduced:

**SB 2397:** A BILL for an Act to amend and reenact sections 5-01-16 and 5-03-05 of the North Dakota Century Code, relating to direct sales of alcoholic beverages; and to provide a penalty.

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

Sens. Klein, Stenehjem and Reps. Kempenich, Wald introduced:

**SB 2398:** A BILL for an Act to create and enact two new sections to chapter 43-02.2 of the North Dakota Century Code, relating to licensure of accredited public accountants; and to amend and reenact subdivision b of subsection 2 of section 10-19.1-50, subdivision a of subsection 1 of section 10-19.1-85, subdivision a of subsection 1 of section 10-32-52, subdivision b of subsection 2 of section 10-32-86, subdivision b of subsection 2 of section 10-33-45, section 43-02.2-02, subsection 5 of section 43-02.2-03, subsections 1 and 3 of section 43-02.2-06, section 43-02.2-08, subdivision c of subsection 1 of section 43-02.2-09, and section 43-02.2-12 of the North Dakota Century Code, relating to accredited public accountants.

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

Sen. Fischer and Rep. Price introduced:

**SB 2399:** A BILL for an Act to amend and reenact section 54-27-25 of the North Dakota Century Code, relating to the use of funds in the community health trust fund; and to provide an appropriation.

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

Sens. Watne, Dever, Traynor and Reps. Berg, N. Johnson, Klemin introduced:

**SB 2400:** A BILL for an Act to amend and reenact subsection 1 of section 47-16-14 and section 47-16-15 of the North Dakota Century Code, relating to termination of leases.

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

Sens. Lee, Espegard and Reps. Keiser, Price introduced:

**SB 2401:** A BILL for an Act to amend and reenact section 57-36-32 of the North Dakota Century Code, relating to the rate of tax on the sale of cigarettes; to provide an appropriation; and to provide an effective date.

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

Sens. Flakoll, Erbele and Reps. Brandenburg, Kretschmar, Wikenheiser introduced:

**SB 2402:** A BILL for an Act to provide for the use of special road funds.

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

Sens. Kilzer, Christmann, T. Mathern introduced:

**SB 2403:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the provision of medically necessary orthodontic care through the medicaid program.

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

Sens. Erbele, Kroeplin and Reps. Kretschmar, Maragos introduced:

**SB 2404:** A BILL for an Act to amend and reenact subsection 2 of section 36-21.1-09 of the North Dakota Century Code, relating to the use of animals as raffle prizes.

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

Sens. Krauter, Kroeplin, Nichols introduced:

**SB 2405:** A BILL for an Act to amend and reenact sections 5-02-01, 5-02-02, 5-02-07.2, 5-02-09.1, 5-02-10, 5-02-11, 5-02-12, 53-06.1-01, 53-06.1-03, 53-06.1-06, 53-06.1-08, 53-06.1-10, 53-06.1-11, 53-06.1-11.1, 53-06.1-12, 53-06.1-12.3, 53-06.1-14, 53-06.1-15.1, 53-06.1-16, 53-06.2-02, and 53-06.2-13, subsection 8 of section 57-39.2-01, and subsection 7 of section 57-40.2-01 of the North Dakota Century Code, relating to transfer of retail alcoholic beverage licensing, and games of chance, and

parimutuel racing administration responsibilities from the attorney general to the state tax commissioner.

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

Sens. Flakoll, Fischer and Reps. Berg, DeKrey, Koppelman, Mahoney introduced:

**SB 2406:** A BILL for an Act to create and enact a new subsection to section 39-08-01 of the North Dakota Century Code, relating to inmate placement for driving while under the influence.

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

Sens. Tomac, Holmberg, Stenehjem and Reps. DeKrey, Kretschmar, Renner introduced:

**SB 2407:** A BILL for an Act to create and enact a new subsection to section 53-06.1-14 of the North Dakota Century Code, relating to manufacturers and distributors of gaming equipment.

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

Sens. Stenehjem, Tomac, Wardner and Reps. Carlson, Renner, Wald introduced:

**SB 2408:** A BILL for an Act to amend and reenact sections 57-36-01, 57-36-09, 57-36-25, 57-36-26, 57-36-28, 57-36-29, and 57-36-33 of the North Dakota Century Code, relating to the tobacco products tax.

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

Sens. Dever, Kilzer, Lee and Reps. Eckre, Gunter, Porter introduced:

**SB 2409:** A BILL for an Act to provide for licensure of individuals who administer human radiologic procedures; and to provide a penalty.

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

Sens. Tollefson, Fischer, Mutch and Reps. Bellew, Lloyd introduced:

**SB 2410:** A BILL for an Act to amend and reenact sections 49-02-01, 49-02-01.1, and 49-02-03 of the North Dakota Century Code, relating to jurisdiction of the public service commission over certain rural electric cooperatives and telecommunications companies.

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

Sens. Epegard, Kringstad, Trenbeath and Rep. Tieman introduced:

**SB 2411:** A BILL for an Act to amend and reenact sections 39-04-08, 39-04-10.4, and 39-04-11 of the North Dakota Century Code, relating to number plates.

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

Sens. Heitkamp, Flakoll, Freborg, Kelsh, Krauter introduced:

**SB 2412:** A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code or in the alternative to create and enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to lifetime licensure for teachers.

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

Sens. Wanzek, Urlacher and Reps. Brandenburg, Lloyd, Nelson, Nicholas introduced:

**SB 2413:** A BILL for an Act to create and enact a new section to chapter 4-24 of the North Dakota Century Code, relating to agricultural contracts.

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

Sens. T. Mathern, Erbele, Krauter and Reps. Boehm, Hunskor, Kerzman introduced:

**SB 2414:** A BILL for an Act to amend and reenact subsection 1 of section 50-09-29 and paragraph 7 of subdivision d of subsection 6 of section 50-29-04 of the North Dakota Century Code, relating to temporary assistance for needy families benefits and children's health insurance program benefits.

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

Sen. Fischer and Rep. S. Kelsh introduced:

**SB 2415:** A BILL for an Act to amend and reenact sections 57-40.6-06 and 57-40.6-07 of the North Dakota Century Code, relating to a 911 system data base.

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

Sen. Kelsh introduced:

**SB 2416:** A BILL for an Act to amend and reenact sections 65-04-26 and 65-04-26.1 of the North Dakota Century Code, relating to discharge in bankruptcy of workers' compensation premiums and penalties.

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

Sens. D. Mathern, Fischer, Lee and Reps. Hawken, Winrich introduced:

**SB 2417:** A BILL for an Act to create and enact a new section to chapter 54-56 of the North Dakota Century Code, relating to a community child care grant program; and to provide an appropriation.

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

Sens. Krebsbach, Fischer, Stenehjem and Reps. Hawken, Keiser, Timm introduced:

**SB 2418:** A BILL for an Act to amend and reenact sections 49-03-01.3 and 49-03-01.4 of the North Dakota Century Code, relating to exclusions from limitations on electric distribution line extension and service.

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

Sens. Nichols, Kroeplin introduced:

**SB 2419:** A BILL for an Act to provide for a legislative council study; and to repeal section 4-35-09.1 of the North Dakota Century Code, relating to proof of financial responsibility for commercial pesticide applicators.

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

Sens. Trenbeath, Bercier, Holmberg, Traynor and Reps. Monson, Tieman introduced:

**SB 2420:** A BILL for an Act to authorize the state historical society of North Dakota to acquire certain land in Pembina County, North Dakota; and to provide an appropriation.

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

Sen. G. Nelson introduced:

**SB 2421:** A BILL for an Act to amend and reenact section 2-05-01 of the North Dakota Century Code, relating to the aeronautics commission.

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

Sen. G. Nelson and Rep. Belter introduced:

**SB 2422:** A BILL for an Act to amend and reenact sections 16.1-11-08 and 16.1-11-24 of the North Dakota Century Code, relating to references to party affiliation in elections for elective county and city offices; and to repeal section 40-21-06 of the North Dakota Century Code, relating to references to party affiliation in petitions of candidates for city elective offices.

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

Sen. Wardner and Rep. N. Johnson introduced:

**SB 2423:** A BILL for an Act to amend and reenact subdivision a of subsection 3 of section 49-23-04 of the North Dakota Century Code, relating to the one-call excavation notice system.

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

Sens. Wardner, Robinson, Solberg and Reps. Clark, Lemieux, Wald introduced:

**SB 2424:** A BILL for an Act to create and enact three new sections to chapter 55-01 of the North Dakota Century Code, relating to the state historical society and the state historical society advisory council; to amend and reenact sections 1-08-04.1 and 11-11-53, subsection 7 of section 23-06-27, section 38-14.1-10, subdivision u of subsection 1 of section 38-14.1-14, subsection 2 of section 38-14.1-21, subsection 1 of section 38-14.1-30, subdivision d of subsection 2 of section 38-14.1-37, sections 46-05-01, 54-01-13.1, and 54-02-07, subsection 2 of section 54-06-04, subdivisions v and w of subsection 1 of section 54-07-01.2, sections 54-17.3-05, 54-17.3-07, 54-24-09, 55-01-01, 55-01-02, 55-01-02.1, 55-01-03, 55-01-04, 55-01-05, 55-01-06, 55-01-07, 55-01-10, 55-01-11, 55-02-01, 55-02-01.1, 55-02-01.2, 55-02-01.3, 55-02-03, 55-02-04, 55-02-05, 55-02-06, 55-02-07, 55-02-07.1, 55-02-08, 55-02-09, 55-02.1-02, 55-02.1-05, 55-03-01, 55-03-01.1, 55-03-02, 55-03-03, 55-03-04, and 55-06-01, subsections 9 and 10 of section 55-08-01.3, sections 55-10-02, 55-10-07, 55-10-08, 55-10-09, 55-10-10, 55-10-12, and 57-02-08.7 of the North Dakota Century Code, relating to the duties and responsibilities of the state historical board and the state historical society and changing references from the superintendent of the state historical board to the director of the state historical society; to repeal sections 55-01-08, 55-02-02, 55-10-03, 55-10-04, 55-10-05, and 55-10-06 of the North Dakota Century Code, relating to the maintenance of the Roosevelt cabin, the transfer of property from the state historical society board to the North Dakota park service, and to the designation of historical sites; to provide an effective date; and to declare an emergency.

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

Sens. Thane, Heitkamp, Lindaas and Reps. Aarsvold, Gulleson, Koppang introduced:

**SB 2425:** A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for certain assisted living facilities; and to provide an effective date.

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

Sens. Trenbeath, Lyson, Traynor and Reps. Klemin, Kretschmar, Mahoney introduced:

**SB 2426:** A BILL for an Act to amend and reenact section 12.1-09-04 of the North Dakota Century Code, relating to harassment of and communication with jurors; and to provide a penalty.

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

Sens. Stenehjem, Fischer, Freborg and Reps. Carlson, Drovdal, Porter introduced:

**SB 2427:** A BILL for an Act to amend and reenact subsection 6 of section 20.1-03-11 of the North Dakota Century Code, relating to the hunting of deer by handicapped persons.

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

Sens. Tallackson, Trenbeath and Reps. Froelich, Maragos, Schmidt, Warner introduced:

**SB 2428:** A BILL for an Act to amend and reenact section 57-38-29 and subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to rates for individual income taxes; to provide an appropriation for foundation aid for school districts and to provide for a reduction in property tax levy authority for school districts; and to provide an effective date.

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

Sen. Cook introduced:

**SB 2429:** A BILL for an Act relating to voidable provisions in computer information agreements.

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

Sens. O'Connell, Holmberg, Wanzek and Reps. Hanson, D. Johnson, Mueller introduced:

**SB 2430:** A BILL for an Act to amend and reenact section 15-40.1-05 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-27-01 of the North Dakota Century Code, relating to the distribution of state aid to school districts.

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

Sens. G. Nelson, Lee, Traynor and Reps. DeKrey, Eckre, Kliniske introduced:

**SB 2431:** A BILL for an Act to amend and reenact section 54-12-05 of the North Dakota Century Code, relating to biennial reports.

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

Sens. Christenson, Kelsh, O'Connell and Reps. Aarsvold, Ekstrom, Winrich introduced:

**SB 2432:** A BILL for an Act to amend and reenact section 65-05-32 of the North Dakota Century Code, relating to privacy of workers' compensation records and hearings.

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

Sens. Christenson, Kelsh, O'Connell and Reps. Aarsvold, Fairfield introduced:

**SB 2433:** A BILL for an Act to amend and reenact section 65-05-09 of the North Dakota Century Code, relating to workers' compensation temporary total and permanent total disability.

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

Sens. Christenson, Bercier, Polovitz and Reps. Ekstrom, Fairfield, Winrich introduced:

**SB 2434:** A BILL for an Act to provide for union organization limitations on employer use of state funds.

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

Sens. C. Nelson, Christenson, Tomac and Reps. Ekstrom, Warner introduced:

**SB 2435:** A BILL for an Act to amend and reenact section 46-05-01 of the North Dakota Century Code, relating to qualifications required of newspapers to publish legal notices.

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

Sens. Kelsh, Erbele, O'Connell introduced:

**SB 2436:** A BILL for an Act to amend and reenact section 39-06-01.1 of the North Dakota Century Code, relating to operators' licenses for minors.

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

Sens. Every, D. Mathern introduced:

**SB 2437:** A BILL for an Act to create and enact chapter 49-24 of the North Dakota Century Code, relating to telephone solicitation sales; to provide a penalty; and to provide an effective date.

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

Sens. Every, Tomac and Reps. Boehm, Pietsch, Renner introduced:



**SB 2438:** A BILL for an Act to provide that it is a qualification for election to a political subdivision office that the officeholder not be delinquent in property taxes in the county; and to provide an effective date.

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

Sen. Nething introduced:

**SB 2439:** A BILL for an Act to amend and reenact subsection 1 of section 12-54.1-01 of the North Dakota Century Code, relating to performance-based sentence reduction.

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

Sen. D. Mathern introduced:

**SB 2440:** A BILL for an Act to amend and reenact section 34-06.1-07 of the North Dakota Century Code, relating to required employer records.

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

Sens. Krebsbach, Tollefson, Watne and Reps. Bellew, Carlson, Wald introduced:

**SB 2441:** A BILL for an Act to amend and reenact section 5-02-06 of the North Dakota Century code, relating to the performance of official duties in licensed alcoholic beverage premises.

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

Sens. O'Connell, Lyson and Reps. Boehm, D. Johnson, Nelson introduced:

**SB 2442:** A BILL for an Act to create and enact a new section to chapter 30.1-30 of the North Dakota Century Code, relating to the durable powers of attorney; and to provide a penalty.

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

Sens. O'Connell, Kroeplin, Schobinger and Reps. Hunsakor, S. Kelsh, Kerzman introduced:

**SB 2443:** A BILL for an Act to amend and reenact sections 23-06-03 and 43-10.1-02 of the North Dakota Century Code, relating to pre-need funeral service contracts.

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

Sens. G. Nelson, Lyson, C. Nelson and Reps. Carlisle, DeKrey, Mahoney introduced:

**SB 2444:** A BILL for an Act to create and enact section 19-03.1-22.1, a new subsection to section 19-03.1-37, and chapter 19-03.4 of the North Dakota Century Code, relating to volatile chemicals and drug paraphernalia; to amend and reenact subsection 1 of section 15.1-24-05, subsection 7 of section 19-03.1-23, section 19-03.1-23.2, subsection 6 of section 19-03.1-36, and subsection 4 of section 19-03.1-37 of the North Dakota Century Code, relating to drug offenses; to repeal section 12.1-31-06 and chapter 12.1-31.1 of the North Dakota Century Code, relating to volatile chemicals and drug paraphernalia; and to provide a penalty.

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

Sens. G. Nelson, Lyson, C. Nelson and Reps. Carlisle, DeKrey, Mahoney introduced:

**SB 2445:** A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to a comprehensive status and trends report regarding unlawful controlled substance use and abuse treatment and enforcement efforts.

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

Sens. G. Nelson, Christmann, Nething and Reps. Delmore, Koppelman, Meier introduced:

**SB 2446:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to exclusions from the definition of administrative agency; and to amend and reenact section 12.1-32-15 of the North Dakota Century Code, relating to the registration of sexual offenders and offenders against children.

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

Sen. Solberg and Reps. Boehm, Kempenich, Nicholas introduced:

**SB 2447:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 6-09-15 of the North Dakota Century Code, relating to the power of the Bank of North Dakota to make, purchase, or hold loans with respect to meatpacking businesses.

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

Sens. Stenehjem, Christmann, Fischer and Reps. Carlson, Nelson introduced:

**SB 2448:** A BILL for an Act to create and enact two new subsections to section 57-36-01 and sections 57-36-08.1, 57-36-10.1, 57-36-11.2, 57-36-12.1, and 57-36-13.1 of the North Dakota Century Code, relating to tobacco tax stamps; to amend and reenact sections 57-36-02, 57-36-07, 57-36-09, 57-36-18, and 57-36-33 of the North Dakota Century Code, relating to tobacco tax stamps; to repeal section 57-36-25.1 of the North Dakota

Century Code, relating to deductions for licensed distributors for tobacco products tax administrative expenses; to provide a penalty; and to provide an effective date.

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

Sens. Mutch, Lyson, Stenehjem and Reps. Carlisle, Carlson, Porter introduced:

**SB 2449:** A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to restrictions on guides and outfitters; and to amend and reenact subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the director of the game and fish department.

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

Sens. Bercier, Krauter, T. Mathern and Reps. Boucher, Jensen, Maragos introduced:

**SB 2450:** A BILL for an Act to amend and reenact sections 54-03-02, 54-03-02.1, and 54-35-16 of the North Dakota Century Code, relating to reconvened regular sessions of the legislative assembly in even-numbered years for budget adjustment purposes.

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

Sens. D. Mathern, Lee and Rep. Svedjan introduced:

**SB 2451:** A BILL for an Act to amend and reenact subsection 5 of section 23-07.5-02 of the North Dakota Century Code, relating to access to a dead person's medical records.

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

Sens. Freborg, Cook, G. Nelson introduced:

**SB 2452:** A BILL for an Act to amend and reenact sections 15-36-11, 15-36-11.1, 15-36-11.2, and 15-36-11.3 of the North Dakota Century Code or in the alternative to amend and reenact sections 15.1-13-17, 15.1-13-20, and 15.1-13-21 of the North Dakota Century Code, relating to teacher licensure.

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

Sens. Bercier, Schobinger, Stenehjem and Reps. Lemieux, Maragos, Thorpe introduced:

**SB 2453:** A BILL for an Act to amend and reenact sections 57-55-01.1, 57-55-03, 57-55-04, 57-55-06, 57-55-07, 57-55-10, and 57-55-11 of the North Dakota Century Code, relating to imposition of mobile home taxes in the same manner as property taxes on real property; and to provide an effective date.

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

Sens. Wanzek, Kroeplin and Reps. Brandenburg, Monson, Nicholas introduced:

**SB 2454:** A BILL for an Act to create and enact a new subsection to section 57-43.2-01 of the North Dakota Century Code, relating to the definition of biodiesel fuel; to amend and reenact section 24-02-01.5, subsection 1 of section 57-43.2-02, and subsection 1 of section 57-43.2-03 of the North Dakota Century Code, relating to a special fuels tax reduction for sales of diesel fuel blended with biodiesel fuel; and to provide an effective date.

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

#### **FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

Sens. Bowman, Andrist, Lyson and Reps. Drovdal, Wald, Weiler introduced:

**SCR 4015:** A concurrent resolution urging the President and the Congress of the United States to develop a national energy policy for our nation that allows responsible access to public land and to implement laws and regulations that promote the multiple use concept on public lands across our state and nation allowing all users to benefit from the public lands.

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

Sens. Tallackson, Kringstad and Reps. Carlisle, Keiser, Klemin introduced:

**SCR 4016:** A concurrent resolution to salute the 2002 Ford World Curling Championships to be held in Bismarck and to declare April 2002 as World Curling Month in North Dakota.

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

Sens. G. Nelson, Lyson, C. Nelson and Reps. Carlisle, DeKrey, Mahoney introduced:

**SCR 4017:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a retirement program for all law enforcement officers within the state of North Dakota which provides retirement benefits similar to those provided to the members of the Highway Patrolmen's retirement system pursuant to North Dakota Century Code Chapter 39-03.1.

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

Sens. G. Nelson, Lyson, C. Nelson and Reps. Carlisle, DeKrey, Mahoney introduced:

**SCR 4018:** A concurrent resolution directing the Legislative Council to study the commitment procedures contained in North Dakota Century Code Chapter 25-03.1 and the

commitment laws from other states to determine if North Dakota law sufficiently addresses the treatment needs of controlled substance abusers in this state, to study the mandatory minimum sentence requirements of North Dakota Century Code Chapter 19-03.1 and the mandatory minimum sentencing laws from other states and the federal government relating to drug offenders, and to study the need for legislation to assist in the cooperative efforts of state, local, and federal agencies to combat unlawful drug use and abuse in this state.

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

Sens. G. Nelson, Krebsbach, D. Mathern and Reps. Carlson, Delmore, Disrud introduced:

**SCR 4019:** A concurrent resolution directing the Legislative Council to study medical and financial privacy laws in this state, the effectiveness of medical and financial privacy laws in other states, the interaction of federal and state medical and financial privacy laws, and whether current medical and financial privacy protections meet the reasonable expectations of the citizens of North Dakota.

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

Sens. O'Connell, Lyson, Robinson and Reps. Nelson, B. Thoreson, Wikenheiser introduced:

**SCR 4020:** A concurrent resolution directing the Legislative Council to study state employee compensation levels.

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

#### FIRST READING OF HOUSE BILLS

**HB 1047:** A BILL for an Act to amend and reenact section 16.1-05-06 of the North Dakota Century Code, relating to challenging the right of a person to vote.

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

**HB 1103:** A BILL for an Act to amend and reenact sections 27-05-01, 27-05-02.1, and 27-05-05 of the North Dakota Century Code, relating to judicial districts, vacancies in the office of district judge, and the election of presiding judges.

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

**HB 1127:** A BILL for an Act to repeal section 9 of chapter 541 of the 1997 Session Laws, relating to elimination of the expiration date of laws relating to workers' compensation coverage for inmates engaged in work programs through roughrider industries.

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

**HB 1129:** A BILL for an Act to amend and reenact section 65-07-03 of the North Dakota Century Code, relating to workers' compensation coverage for children of employers.

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

**HB 1135:** A BILL for an Act to amend and reenact section 52-09-08, subsection 36 of section 57-15-06.7, and subsection 6 of section 57-15-28.1 of the North Dakota Century Code, relating to limitations on the levy by counties for comprehensive health care insurance programs; and to provide an effective date.

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

**HB 1152:** A BILL for an Act to amend and reenact subsection 11 of section 65-01-02 of the North Dakota Century Code, relating to the definition of compensable injury for workers' compensation purposes; and to provide an effective date.

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

**HB 1211:** A BILL for an Act to create and enact a new subsection to section 57-39.2-26.1 of the North Dakota Century Code, relating to the allocation of revenues among political subdivisions through the state aid distribution fund; to provide an expiration date; and to declare an emergency.

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

**HB 1282:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to reimbursements from medical assistance; and to amend and reenact sections 23-27-04 and 23-27-04.1 of the North Dakota Century Code, relating to nonmedically necessary ambulance transports.

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

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

