

## JOURNAL OF THE SENATE

## Fifty-eighth Legislative Assembly

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Bismarck, February 26, 2003

The Senate convened at 1:00 p.m., with President Pro Tem Traynor presiding.

The prayer was offered by Pastor Robert Nordvall, Charity Lutheran, Bismarck.

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

A quorum was declared by the President Pro Tem.

## MOTION

**SEN. CHRISTMANN MOVED** that HB 1167 be returned to the Senate floor from the **Education Committee** and be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1167 was rereferred.

## MOTION

**SEN. CHRISTMANN MOVED** that HB 1190 be returned to the Senate floor from the **Transportation Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1190 was rereferred.

## POINT OF PERSONAL PRIVILEGE

**PRESIDENT PRO TEM TRAYNOR ANNOUNCED** that the remarks of Sen. Cook would be printed in the Journal.

## REMARKS OF SENATOR DWIGHT COOK

Up in the Senate balcony are a number of guests from Ft. Lincoln Elementary School in Mandan. These young people are my neighbors. Every session they come to the Capitol to portray presidents and other famous individuals from our past. I hope you have had time to stop in the Great Hall to visit with them. I know I enjoyed it. We certainly want to thank these teachers and students for the good job they do, and welcome them to the Senate.

## MOTION

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

## MOTION

**SEN. CHRISTMANN MOVED** that the Senate be on the Fifth, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, February 27, 2003, which motion prevailed.

## REPORT OF STANDING COMMITTEE

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

## REPORT OF STANDING COMMITTEE

**SCR 4035: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4035 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

**HB 1033: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1033 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

**HB 1061, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1061 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1063, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1063 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1104, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1104 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1105: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1105 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1121, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1121 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1124, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1124 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1201, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1201 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1233, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1233 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1328, as engrossed: 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). Engrossed HB 1328 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1379: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1379 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3001: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3001 was placed on the Fourteenth order on the calendar.

**FIRST READING OF HOUSE BILLS**

**HB 1001:** A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of state government; and to declare an emergency. Was read the first time and referred to the **Appropriations Committee**.

**HB 1002:** A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch. Was read the first time and referred to the **Appropriations Committee**.

**HB 1003:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to authorize the state board of higher education to issue and sell bonds for capital projects; to authorize the industrial commission to issue and sell bonds for capital projects; to provide statements of legislative intent; to provide for a general fund transfer; to amend and reenact sections 15-10-08, 15-10-12, 54-44.1-04, 54-44.1-06, and 54-44.1-11 of the North Dakota Century Code, relating to compensation of state board of higher education members, higher education institutions' special revenue funds, budget requests and block grant appropriations, and unexpended appropriations; and to declare an emergency.

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

**HB 1005:** A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission; to create and enact two new sections to chapter 54-36 of the North Dakota Century Code, relating to a revolving fund for publications and the authority to produce publications and charge a fee; to provide for a transfer; and to declare an emergency.

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

**HB 1007:** A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and department of veterans' affairs; to provide for a performance audit of the department of veterans' affairs and the administrative committee on veterans' affairs; and to provide reports to the budget section.

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

**HB 1008:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions.

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

**HB 1010:** 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.

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

**HB 1011:** A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol.

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

**HB 1012:** A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the department of transportation; and to amend and reenact section 24-02-44 of the North Dakota Century Code, relating to department of transportation authority for emergency borrowing from the Bank of North Dakota.

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

**HB 1013:** A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to provide for distribution amounts from permanent funds; to create and enact a new section to chapter 47-30.1 of the North Dakota Century Code, relating to property unclaimed by state agencies; and to amend and reenact section 47-30.1-18 of the North Dakota Century Code, relating to notice of abandoned property.

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

**HB 1014:** A BILL for an Act to provide an appropriation for defraying the expenses of the children's services coordinating committee; to provide for a report to the legislative council; to amend and reenact sections 54-56-06 and 54-56-07 of the North Dakota Century Code, relating to funds of the children's services coordinating committee; and to declare an emergency.

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

**HB 1015:** A BILL for an Act to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to provide a continuing appropriation; to provide an exemption; to authorize transfers; and to declare an emergency.

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

**HB 1016:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; and to declare an emergency.

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

**HB 1017:** A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota.

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

**HB 1018:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of administrative hearings.

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

**HB 1019:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of commerce; to provide for a transfer to the general fund; to provide for a report to the budget section; to provide statements of legislative intent; to direct the

state tax commissioner to audit the ethanol incentive program; to designate the department of commerce as the state's fiscal agent for workforce development programs; to amend and reenact section 57-38.5-03 of the North Dakota Century Code, relating to the seed capital investment tax credit; and to provide an effective date.

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

**HB 1020:** A BILL for an Act to provide an appropriation for defraying the expenses of the state board for vocational and technical education.

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

**HB 1021:** A BILL for an Act to provide an appropriation for defraying the expenses of the extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm.

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

**HB 1022:** A BILL for an Act to provide an appropriation for defraying the expenses of the information technology department, the state auditor, and the legislative council; to authorize the industrial commission to issue and sell evidences of indebtedness for ConnectND; to provide for a general fund transfer; to provide legislative intent; to create and enact a new section to chapter 54-10 and a new subsection to section 54-59-05 of the North Dakota Century Code, relating to information technology responsibilities of the state auditor and information technology department wide area network service; to amend and reenact section 54-59-02 of the North Dakota Century Code, relating to responsibilities of the information technology department; to repeal section 54-59-13 of the North Dakota Century Code, relating to information technology reviews; and to declare an emergency.

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

**HB 1023:** A BILL for an Act to provide an appropriation for capital projects of various state departments; to provide an appropriation for state facility energy improvement capital projects of various state departments and institutions; and to authorize the industrial commission to issue and sell evidences of indebtedness for capital projects.

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

**HB 1043:** A BILL for an Act to amend and reenact subsection 4 of section 54-59-05 and sections 54-59-07, 54-59-11, and 54-59-14 of the North Dakota Century Code, relating to forms management, the state information technology advisory committee, the powers and duties of the information technology department, information technology plans, and the information technology operating account.

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

**HB 1044:** A BILL for an Act to create and enact a new section to chapter 54-57 of the North Dakota Century Code, relating to the office of administrative hearings and indigent defense contracts; to amend and reenact section 27-20-49 and subsection 1 and 4 of section 29-07-01.1 of the North Dakota Century Code, relating to the provision of indigent defense services; to provide for a report to the legislative council; to provide for transition; to provide a statement of legislative intent; and to provide an effective date.

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

**HB 1047:** A BILL for an Act to amend and reenact sections 39-06.1-05, 39-06.1-06, 39-07-09, 39-08-21, 39-21-16, and 39-21-46 of the North Dakota Century Code, relating to the fees for driving in excess of the speed limit.

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

**HB 1050:** A BILL for an Act to create and enact sections 20.1-03-36.1, 20.1-03-36.2, 20.1-03-38, 20.1-03-39, and 20.1-03-40 of the North Dakota Century Code, relating to the licensing of guides and outfitters; to amend and reenact sections 20.1-01-02, 20.1-02-05, 20.1-03-11.2, 20.1-03-12, 20.1-03-36, and 20.1-03-37 of the North Dakota Century Code, relating to guides and outfitters; to provide a penalty; to provide for application; and to provide an effective date.

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

**HB 1053:** A BILL for an Act to amend and reenact section 49-21-22.2 of the North Dakota Century Code, relating to the regulatory reform review commission; and to provide an expiration date.

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

**HB 1072:** A BILL for an Act to create and enact a new chapter to title 14 of the North Dakota Century Code, relating to the uniform interstate enforcement of domestic violence protection orders act; to amend and reenact section 14-07.1-06 of the North Dakota

Century Code, relating to penalties for violation of a protection order; to repeal section 14-07.1-02.2 of the North Dakota Century Code, relating to foreign domestic violence protection orders; to provide a penalty; and to provide for application.

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

**HB 1086:** A BILL for an Act to create and enact a new section to chapter 15.1-31 of the North Dakota Century Code, relating to open enrollment and the transfer of students from certain schools.

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

**HB 1155:** A BILL for an Act to provide for a legislative council study of the criteria by which a student's school district of residence is established.

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

**HB 1179:** A BILL for an Act to amend and reenact section 26.1-02-27 of the North Dakota Century Code, relating to disclosing nonpublic personal information.

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

**HB 1180:** A BILL for an Act to create and enact three new sections to chapter 54-44.4 of the North Dakota Century Code, relating to competitive sealed bid proposals, small purchases, and protested solicitations and awards; and to amend and reenact sections 54-44.4-01, 54-44.4-02, subsections 1 and 2 of section 54-44.4-05, section 54-44.4-06, and subsections 1, 2, and 4 of section 54-44.4-09 of the North Dakota Century Code, relating to purchasing policy, purchasing by the office of management and budget, solicitation criteria, exempt records, limited competitive and noncompetitive purchases, multistep sealed bids, and vendor registration.

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

**HB 1197:** A BILL for an Act to create and enact a new chapter to title 60 of the North Dakota Century Code, relating to the creation of a credit-sale contract indemnity fund; to amend and reenact sections 60-02.1-28, 60-02.1-30, 60-04-02, and 60-04-03.1 of the North Dakota Century Code, relating to insolvencies of grain buyers and warehousemen; and to provide a penalty.

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

**HB 1205:** A BILL for an Act to amend and reenact subsection 5 of section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for transfers of vehicles from certain trusts; and to provide an effective date.

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

**HB 1207:** A BILL for an Act to create and enact chapter 11-36, a new subsection to section 57-15-06.7, a new subsection to section 57-15-10, a new subsection to section 57-15-20.2, and two new sections to chapter 57-15 of the North Dakota Century Code, relating to local port authorities.

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

**HB 1218:** A BILL for an Act to amend and reenact subsection 3 of section 38-08-08 and subsection 3 of section 38-08-09.4 of the North Dakota Century Code, relating to carrying or otherwise financing nonparticipating lessees in the development of oil and gas interests in spacing units and plans of unitization.

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

**HB 1219:** A BILL for an Act to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to the definition of agricultural property for property tax assessment and classification purposes; and to provide an effective date.

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

**HB 1224:** A BILL for an Act to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to waterfowl resting areas.

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

**HB 1231:** A BILL for an Act to create and enact sections 26.1-02.1-02.1, 26.1-02.1-06, 26.1-02.1-07, 26.1-02.1-08, 26.1-02.1-09, 26.1-02.1-10, and 26.1-02.1-11 of the North Dakota Century Code, relating to insurance fraud; to amend and reenact sections 26.1-02.1-01, 26.1-02.1-04, and 26.1-02.1-05 of the North Dakota Century Code, relating to insurance fraud; to repeal sections 26.1-02.1-02 and 26.1-02.1-03 of the North Dakota Century Code, relating to insurance fraud; and to provide a penalty.

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

**HB 1234:** A BILL for an Act to amend and reenact sections 28-24-02, 28-24-04, and 32-19-18 of the North Dakota Century Code, relating to redemption.

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

**HB 1245:** A BILL for an Act to create and enact a new subsection to section 43-12.1-10 and a new section to chapter 43-12.1 of the North Dakota Century Code, relating to transitional nurse licensure and continuing education; to amend and reenact section 43-12.1-02, subsection 2 of section 43-12.1-04, and sections 43-12.1-08 and 43-12.1-09 of the North Dakota Century Code, relating to nursing education programs; and to provide for application.

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

**HB 1257:** A BILL for an Act to create and enact a new section to chapter 32-19 of the North Dakota Century Code, relating to requests for notice of intention to foreclose.

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

**HB 1260:** A BILL for an Act to create and enact chapter 26.1-25.1 of the North Dakota Century Code, relating to use of credit information in personal insurance.

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

**HB 1268:** A BILL for an Act to amend and reenact section 50-24.4-15 of the North Dakota Century Code, relating to nursing home rates for property-related costs for reimbursements; and to provide an effective date.

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

**HB 1271:** A BILL for an Act to create and enact a new section to chapter 12-47 of the North Dakota Century Code, relating to the housing of female inmates.

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

**HB 1274:** A BILL for an Act to amend and reenact section 53-06.1-07.2 of the North Dakota Century Code, relating to conduct of poker under the games of chance laws.

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

**HB 1282:** A BILL for an Act to create and enact two new subsections to section 53-06.2-04 of the North Dakota Century Code, relating to the duties of the racing commission; to amend and reenact subsection 1 of section 53-06.2-02 and subsection 6 of section 53-06.2-11 of the North Dakota Century Code, relating to the appointment of racing commission members and the spending authority of the racing commission; and to provide an expiration date.

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

**HB 1301:** A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to the sale of bidis or beedies; and to provide a penalty.

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

**HB 1325:** A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to the display of the national motto in schools.

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

**HB 1340:** A BILL for an Act to provide for the termination of wind energy development leases.

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

**HB 1350:** A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to creation of a special operations team reimbursement fund; and to provide a continuing appropriation.

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

**HB 1352:** A BILL for an Act to create and enact a new section to chapter 19-20.2 and a new section to chapter 32-03 of the North Dakota Century Code, relating to adoption of rules regarding the security of anhydrous ammonia nurse tanks and immunity for theft of anhydrous ammonia.

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

**HB 1358:** A BILL for an Act to amend and reenact subsection 1 of section 20.1-03-07 and sections 20.1-03-07.1, 20.1-03-12, and 20.1-03-12.1 of the North Dakota Century Code, relating to nonresident hunting and fishing licenses and fees; to provide an appropriation; to provide a statement of legislative intent with respect to a short-term lease program; and to provide an effective date.

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

**HB 1359:** A BILL for an Act to create and enact a new section to chapter 39-22 of the North Dakota Century Code, relating to collector motor vehicle auctions; and to amend and reenact section 39-22-21 of the North Dakota Century Code, relating to the sale of consignment vehicles.

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

**HB 1361:** A BILL for an Act to amend and reenact section 15.1-31-02 of the North Dakota Century Code, relating to grounds for the denial of open enrollment applications.

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

**HB 1362:** A BILL for an Act to create and enact sections 10-19.1-01.1, 10-19.1-100.1, 10-19.1-149.1, 10-32-02.1, 10-32-153.1, 10-33-01.1, 10-33-142.1, 45-10.1-01.1, 45-10.1-63, 45-10.1-64, 45-10.1-65, 45-10.1-66, 45-10.1-67, 45-10.1-68, 45-10.1-69, 45-10.1-70, 45-10.1-71, 45-10.1-72, 45-13-01.1, 45-16-07, 45-16-08, 45-22-01.1, 45-23-01.1, and 45-23-07 of the North Dakota Century Code, relating to business corporations, limited liability companies, nonprofit corporations, limited partnerships, partnerships, limited liability partnerships, and limited liability limited partnerships; to amend and reenact section 10-19.1-01, subsection 4 of section 10-19.1-13, sections 10-19.1-14 and 10-19.1-19, subsection 2 of section 10-19.1-31, subsections 1 and 2 of section 10-19.1-43, subsections 1 and 2 of section 10-19.1-47, subsection 1 of section 10-19.1-63, subsection 3 of section 10-19.1-71, subsection 3 of section 10-19.1-72, sections 10-19.1-75 and 10-19.1-75.2, subsection 1 of section 10-19.1-76.2, subsection 1 of section 10-19.1-87, section 10-19.1-100, subsection 1 of section 10-19.1-110, subsections 2 and 3 of section 10-19.1-113.1, subsection 3 of section 10-19.1-129, subsection 2 of section 10-19.1-146, section 10-32-02, subsections 2, 3, and 4 of section 10-32-07, subsection 5 of section 10-32-10, section 10-32-11, subsection 1 of section 10-32-13, section 10-32-15, subsection 6 of section 10-32-17, subsection 1 of section 10-32-22, subsection 17 of section 10-32-23, sections 10-32-36 and 10-32-37, subsections 2 and 3 of section 10-32-38, subsections 2 and 3 of section 10-32-39, subsection 3 of section 10-32-40, sections 10-32-40.1, 10-32-43, and 10-32-43.2, subsection 1 of section 10-32-48, subsection 1 of section 10-32-50, section 10-32-51, subsection 1 of section 10-32-54, subsection 4 of section 10-32-55, section 10-32-56, subsection 2 of section 10-32-57, subsection 3 of section 10-32-58, subsection 1 of section 10-32-59, sections 10-32-60 and 10-32-61, subsection 1 of section 10-32-64, section 10-32-67, subsections 2 and 3 of section 10-32-68, sections 10-32-69, 10-32-70, 10-32-73, and 10-32-74, subsection 2 of section 10-32-76, subsection 2 of section 10-32-77, subsections 2 and 3 of section 10-32-78, subsection 2 of section 10-32-78.1, subsection 1 of section 10-32-79, sections 10-32-80, 10-32-81, and 10-32-83, subsections 1 and 2 of section 10-32-84, subsections 1 and 3 of section 10-32-85, subsections 2 and 4 of section 10-32-86, subsections 1 and 2 of section 10-32-87, sections 10-32-88, 10-32-89, and 10-32-92, subsection 3 of section 10-32-94, section 10-32-95, subsection 1 of section 10-32-97, sections 10-32-99 and 10-32-104, subsections 1 and 2 of section 10-32-108, subsection 2 of section 10-32-112, subsection 3 of section 10-32-113, subsection 1 of section 10-32-114, subsections 2 and 3 of section 10-32-117, subsection 1 of section 10-32-119, subsection 2 of section 10-32-130.1, subsection 3 of section 10-32-132, subsection 2 of section 10-32-149, sections 10-33-01, 10-33-10, 10-33-11, and 10-33-21, subsection 3 of section 10-33-23, subsection 2 of section 10-33-25, subsection 1 of section 10-33-27, subsections 1 and 2 of section 10-33-39, subsections 1 and 2 of section 10-33-43, subsection 1 of section 10-33-44, subsection 1 of section 10-33-50, subsection 3 of section 10-33-65, subsection 3 of section 10-33-66, sections 10-33-73 and 10-33-75, subsection 1 of section 10-33-77, sections 10-33-81 and 10-33-93, subsection 1 of section 10-33-101, subsections 2 and 3 of section 10-33-103, subsection 4 of section 10-33-104, subsection 1 of section 10-33-107, subsections 1, 2, and 3 of section 10-33-108, subsection 3 of section 10-33-120, subsection 1 of section 10-33-128, subsection 2 of section 10-33-139, section 45-10.1-01, subsection 6 of section 45-10.1-02, sections 45-10.1-03 and 45-10.1-07.1, subsections 7 and 8 of section 45-10.1-09, sections 45-10.1-13, 45-10.1-55, 45-10.1-56, and 45-13-01, subsections 5 and 6 of section 45-13-04.1, section 45-13-04.2, subsections 6 and 7 of section 45-13-05, subsection 1 of section 45-13-06, subsection 1 of section 45-15-03, subsection 1 of section 45-15-03.1, subsection 2 of section 45-15-03.2, section 45-15-04, subsection 1 of section 45-19-04, subsections 1 and 2 of section 45-21-05, subsection 2 of section 45-21-06, subsections 1 and 2 of section 45-21-07, section 45-22-01, subsection 3 of section 45-22-03, subsection 5 of section 45-22-04, section 45-22-05, subsection 2 of section 45-22-17, subsection 2 of section 45-22-21.1, section 45-23-01, and subsection 5 of section 45-23-03 of the North Dakota Century Code, relating to business corporations, limited liability companies, nonprofit corporations, limited partnerships, partnerships, limited liability partnerships, and limited liability limited partnerships; and to repeal sections 45-10.1-14, 45-10.1-15, and 45-10.1-16 of the North Dakota Century Code, relating to limited partnerships.

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

**HB 1371:** A BILL for an Act to amend and reenact section 26.1-26.6-08 of the North Dakota Century Code, relating to the maximum commission or fee of a bail bondsman.  
Was read the first time and referred to the **Judiciary Committee**.

**HB 1383:** A BILL for an Act to amend and reenact section 15.1-27-12 of the North Dakota Century Code, relating to per student payments for English language learners.  
Was read the first time and referred to the **Education Committee**.

**HB 1388:** A BILL for an Act to create and enact chapters 51-27 and 51-28 of the North Dakota Century Code, relating to internet privacy and commercial electronic mail solicitation; and to provide an expiration date.  
Was read the first time and referred to the **Judiciary Committee**.

**HB 1403:** A BILL for an Act to amend and reenact section 49-09-04.2 of the North Dakota Century Code, relating to the sale of railroad right of way.  
Was read the first time and referred to the **Transportation Committee**.

**HB 1404:** A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-14 of the North Dakota Century Code, relating to the license fee for pull tab dispensing device manufacturers.  
Was read the first time and referred to the **Judiciary Committee**.

**HB 1405:** A BILL for an Act to amend and reenact subsection 1 of section 24-02-03.3 of the North Dakota Century Code, relating to vehicles under the control of the central vehicle management system.  
Was read the first time and referred to the **Transportation Committee**.

**HB 1423:** A BILL for an Act to amend and reenact section 54-34.3-13 of the North Dakota Century Code, relating to rural growth incentive program grants and loans by the department of commerce; and to provide an expiration date.  
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1424:** A BILL for an Act to prohibit human cloning; and to provide a penalty.  
Was read the first time and referred to the **Judiciary Committee**.

**HB 1425:** A BILL for an Act to amend and reenact subsection 3 of section 25-16-07 of the North Dakota Century Code, relating to confidentiality of treatment or care center records of developmentally disabled persons.  
Was read the first time and referred to the **Human Services Committee**.

**HB 1426:** A BILL for an Act to provide for the creation of commerce authorities; and to create and enact a new subsection to section 57-15-06.7, a new subsection to section 57-15-10, a new subsection to section 57-15-20.2, and a new section to chapter 57-15 of the North Dakota Century Code, relating to tax levies for commerce authorities; and to provide an effective date.  
Was read the first time and referred to the **Finance and Taxation Committee**.

**HB 1430:** A BILL for an Act to establish a drug utilization review program and drug prior authorization program within the department of human services; and to declare an emergency.  
Was read the first time and referred to the **Human Services Committee**.

**HB 1431:** A BILL for an Act to create and enact a new subsection to section 57-36-01 and sections 57-36-08.1, 57-36-10.1, 57-36-11.2, 57-36-12.1, 57-36-13.1, and 57-36-13.2 of the North Dakota Century Code, relating to tobacco tax indicia and unfair and deceptive business practices; 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 indicia; to repeal section 57-36-25.1 of the North Dakota Century Code, relating to tobacco tax deductions for distributors; to provide a penalty; and to provide an effective date.  
Was read the first time and referred to the **Finance and Taxation Committee**.

**HB 1434:** A BILL for an Act to regulate the sale and delivery of tobacco products by certain methods; and to provide a penalty.  
Was read the first time and referred to the **Finance and Taxation Committee**.

**HB 1435:** A BILL for an Act to provide a renewable energy production incentive program; and to provide an appropriation.



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

**HB 1439:** A BILL for an Act to create and enact a new paragraph to subdivision b of subsection 3 of section 39-06.1-10; to amend and reenact subsection 7 of section 39-06.1-10, sections 39-08-01 and 39-09-02, and subsection 1 of section 39-20-04.1 of the North Dakota Century Code, relating to speed limits and consequences for driving while under the influence; and to provide a penalty.

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

**HB 1451:** A BILL for an Act to provide for a state capitol entrance competition.

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

**HB 1461:** A BILL for an Act to amend and reenact subsection 2 of section 32-28-02 of the North Dakota Century Code, relating to exceptions from the requirement to publish notice of a change of name.

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

**HB 1469:** 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 eligibility for medical assistance; and to amend and reenact section 50-24.1-02.5 of the North Dakota Century Code, relating to eligibility for medical assistance.

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

**HB 1477:** A BILL for an Act to create and enact a new section to chapter 10-04 of the North Dakota Century Code, relating to securities privacy of information.

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

**HB 1478:** A BILL for an Act to create and enact two new sections to chapter 6-08.1 of the North Dakota Century Code, relating to disclosure of financial information; and to amend and reenact sections 6-08.1-01 and 6-08.1-02 of the North Dakota Century Code, relating to financial institution customer privacy definitions and exceptions.

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

**HB 1486:** A BILL for an Act to amend and reenact section 4-28-07 of the North Dakota Century Code, relating to uses for the wheat tax levy.

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

**HB 1488:** A BILL for an Act to provide that state agencies may not reduce cost-sharing programs with political subdivisions during a biennium.

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

**HB 1497:** A BILL for an Act to provide for state government performance and accountability; and to create and enact a new subsection to section 54-44.1-06, relating to information included in the executive budget.

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

**HB 1500:** A BILL for an Act to amend and reenact sections 43-05-03, 43-05-10, 43-05-14, 43-05-15, and 43-05-16.8 of the North Dakota Century Code, relating to the membership of the board of podiatric medicine and licensure fees; and to provide an effective date.

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

#### **FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 3004:** A concurrent resolution directing the Legislative Council to study the state's method of providing legal representation for indigent persons and the feasibility and desirability of establishing a public defender system.

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

**HCR 3005:** A concurrent resolution for the amendment of section 17 of article XI of the Constitution of North Dakota, relating to the organization of the state's military forces; to repeal sections 16, 18, 19, 20, and 21 of article XI of the Constitution of North Dakota, relating to the organization, membership requirements, and appointment of officers of the state's militia and privilege from arrest during periods of military service; and to provide an effective date.

Was read the first time and referred to the **Joint Constitutional Revision Committee**.

**HCR 3010:** A concurrent resolution urging Congress to require the United States Department of Agriculture Forest Service to implement a management plan that supports the right of North Dakota ranchers to graze their traditional numbers of livestock in the national

grasslands and that allows the mineral resources within the national grasslands to be developed in a reasonable manner.

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

**HCR 3015:** A concurrent resolution expressing the legislative assembly's support for construction of the northwest area water supply project and delivery of water to eastern North Dakota.

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

**HCR 3019:** A concurrent resolution urging the Congress of the United States to pass legislation that will allow United States citizens to freely travel to the Republic of Cuba.

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

**HCR 3021:** A concurrent resolution urging the United States Department of Agriculture not to preempt states' rights to regulate grain merchandising activities at grain warehouses that are licensed under the United States Warehouse Act, and further urging Congress to take corrective action if the United States Department of Agriculture is unwilling or unable to take corrective action.

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

**HCR 3023:** A concurrent resolution directing the Legislative Council to study the desirability and feasibility of establishing a regional dental school in North Dakota within the North Dakota University System and in conjunction with the school of dentistry at the University of Minnesota.

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

**HCR 3024:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a school of veterinary science within the North Dakota University System.

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

**HCR 3025:** A concurrent resolution urging Congress to make immediate changes in those Medicare policies that discriminate against senior citizens who reside in rural states and to implement national benefit and service provider policies that are more uniform in their application.

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

**HCR 3026:** A concurrent resolution directing the Legislative Council to study the use of E85 fuel by the state.

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

**HCR 3027:** A concurrent resolution urging the Superintendent of Public Instruction, all North Dakota school district superintendents, and the boards of all North Dakota school districts to work with local, state, and federal military and veterans organizations to observe and promote Veterans Day by developing and disseminating to students in the elementary and secondary schools of this state educational materials that strengthen students' awareness of the contributions and sacrifices made by veterans so that freedom can be enjoyed by everyone.

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

**HCR 3028:** A concurrent resolution urging Congress to increase Medicare reimbursement for health care providers, to use an appropriate amount of the federal budget to equalize Medicare rates within North Dakota and within the nation, and to increase funding of the Medicare ambulance reimbursement fee schedule.

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

**HCR 3031:** A concurrent resolution urging North Dakota State University to host the Center for Genetic Research and become a national and international leader in biotechnology research.

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

**HCR 3032:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of converting vacant public school buildings in rural areas into methamphetamine detoxification and treatment facilities.

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

**HCR 3033:** A concurrent resolution directing the Legislative Council to study North Dakota Century Code Chapters 37-01 through 37-11 to revise references to the militia and the National Guard.

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

**HCR 3034:** A concurrent resolution directing the Legislative Council to study the civil commitment laws of North Dakota, chapter 25-03.1, court decisions concerning civil commitment, and the civil commitment laws of the other states.

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

**HCR 3035:** A concurrent resolution proclaiming March 16, 2003, as Liberty Day.

Was read the first time and referred to the **Joint Constitutional Revision Committee**.

**HCR 3036:** A concurrent resolution urging Congress to enact legislation for the economic recovery of North Dakota's Missouri River corridor.

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

**HCR 3038:** A concurrent resolution urging Congress to permit states to enact prohibitions on the use of federal family planning funds by private and public agencies.

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

**HCR 3039:** A concurrent resolution strongly encouraging appropriate state officials to take aggressive action against individuals, organizations, and entities interfering with the development and progress of state water projects, especially the Northwest Area Water Supply Project.

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

**HCR 3040:** A concurrent resolution urging the President of the United States, the Secretary of the Army, and the United States Army Corps of Engineers to adopt and implement an updated Missouri River Master Water Control Manual that gives fair consideration to the substantial recreation values present on Lake Sakakawea, Lake Oahe, and the Missouri River in North Dakota.

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

**HCR 3041:** A concurrent resolution urging the President of the United States, Secretary of the Army, and the United States Army Corps of Engineers to improve, rehabilitate, and repair visitor facilities, event sites, and other areas within their jurisdiction in North Dakota expected to experience significant increases in visitation as a result of the bicentennial commemoration of the Lewis and Clark Expedition.

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

**HCR 3042:** A concurrent resolution expressing the Legislative Assembly's support and endorsement for the Northwest Venture Communities, Inc., project to reduce poverty and improve the quality of life in North Dakota.

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

**HCR 3047:** A concurrent resolution urging the State Historical Society of North Dakota to rethink and amend the proposed unmarketable name of the state visitor center at the confluence of the Yellowstone and Missouri Rivers.

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

**HCR 3048:** A concurrent resolution celebrating the one-hundredth anniversary of Theodore Roosevelt's election as President of the United States.

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

**HCR 3050:** A concurrent resolution directing the Legislative Council to study the equity of the current system for awarding workers' compensation death benefits and the feasibility and desirability of creating a death benefit investment system.

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

**HCR 3051:** A concurrent resolution directing the Legislative Council to study economic development efforts associated with and including establishment of a Red River Valley business and technology development zone and methods through which programs receiving funding from the United States Department of Agriculture rural economic area partnership, empowerment zone, enterprise community, and champion community programs can be enhanced.

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

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

**WILLIAM R. HORTON, Secretary**

