

## JOURNAL OF THE SENATE

## Sixtieth Legislative Assembly

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Bismarck, January 26, 2007

The Senate convened at 12:15 p.m., with President Dalrymple presiding.

The prayer was offered by Father Patrick Schumacher, St. Joseph Catholic Church, Mandan.

The roll was called and all members were present except Senators Andrist, Bowman, Erbele, G. Lee, and Tallackson.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2129: SEN. FIEBIGER (Judiciary Committee) MOVED** that the amendments on SJ pages 193-194 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2131: SEN. POTTER (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 194 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2133: SEN. WARNER (Human Services Committee) MOVED** that the amendments on SJ page 194 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2158: SEN. HACKER (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 194-195 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2223: SEN. COOK (Finance and Taxation Committee) MOVED** that the amendments on SJ page 195 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2072 be moved to the bottom of the Eleventh order, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2036:** A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the licensing of professional employer organizations; to provide a penalty; and to provide an effective date.

## 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 42 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjerm; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Lee, G.; Tallackson

Engrossed SB 2036 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2123:** A BILL for an Act to amend and reenact sections 65-04-04, 65-04-15, 65-04-17, 65-04-19.1, 65-05-28.1, and 65-06.2-04 of the North Dakota Century Code, relating to an employer's certificate of premium payment, release of confidential information, the maximum experience rating of employers, premium discounts in risk management programs, preferred providers, and roughrider industries; and to provide for application.

**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 42 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Lee, G.; Tallackson

Engrossed SB 2123 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2073:** A BILL for an Act to amend and reenact section 65-02-03.1 of the North Dakota Century Code, relating to appointment of members to the workforce safety and insurance board of directors.

**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 42 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Lee, G.; Tallackson

Engrossed SB 2073 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2096:** A BILL for an Act to create and enact a new section to chapter 61-33 of the North Dakota Century Code, relating to sovereign land management regulation violations; to amend and reenact subsection 1 of section 20.1-02-15.1 and sections 61-03-21.3 and 61-33-05 of the North Dakota Century Code, relating to powers of the game and fish department, dangers in navigable waters, and powers of the state engineer; 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 42 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Lee, G.; Tallackson

Engrossed SB 2096 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2125:** A BILL for an Act to amend and reenact section 43-23.3-01, subsection 1 of section 43-23.3-03, sections 43-23.3-04, 43-23.3-06, 43-23.3-07, 43-23.3-08, and 43-23.3-09, subsection 1 of section 43-23.3-11, sections 43-23.3-13, 43-23.3-14, 43-23.3-15, 43-23.3-16, 43-23.3-17, and 43-23.3-18, subsection 2 of section 43-23.3-22, and section 43-23.3-23 of the North Dakota Century Code, relating to real estate appraisers and the practice of real estate appraisal.

**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 42 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Lee, G.; Tallackson

Engrossed SB 2125 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2126:** A BILL for an Act to provide for investigations into alleged fraud in medicaid claims, qui tam actions in cases of alleged fraud in medicaid claims, and protection for persons presenting qui tam actions in cases of alleged fraud in medicaid claims; 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 42 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Lee, G.; Tallackson

Engrossed SB 2126 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2128:** A BILL for an Act to amend and reenact subsection 3 of section 4-09-06 and sections 4-09-14, 4-09-15, 4-09-16, 4-09-17.1, 4-42-02, and 4-42-07 of the North Dakota Century Code, relating to examination of seed, prohibitions, exemptions, plant variety protection, genetic identity, and identity preservation; and to repeal section 4-11-10 of the North Dakota Century Code, relating to potato dealer agent identification cards.

**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 42 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Lee, G.; Tallackson

Engrossed SB 2128 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2063:** A BILL for an Act to amend and reenact section 4-10.5-07 of the North Dakota Century Code, relating to soybean assessment exemptions.

**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 1 YEAS, 41 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Potter

**NAYS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Lee, G.; Tallackson

SB 2063 lost.

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**SECOND READING OF SENATE BILL**

**SB 2144:** A BILL for an Act to amend and reenact subsection 6 of section 40-05-02 of the North Dakota Century Code, relating to the fees for building permits.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 33 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Fischer; Freborg; Holmberg; Krebsbach; Lyson; O'Connell; Seymour; Tollefson

**NAYS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Flakoll; Hacker; Heckaman; Heitkamp; Horne; Kilzer; Klein; Krauter; Lee, J.; Lindaas; Marcellais; Mathern; Nelson; Nething; Oehlke; Olafson; Pomeroy; Potter; Robinson; Stenehjem; Taylor; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Grindberg; Lee, G.; Tallackson

SB 2144 lost.

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**SECOND READING OF SENATE BILL**

**SB 2148:** A BILL for an Act to amend and reenact sections 39-22-04, 39-22-06, 39-22-14, 39-22-15, 39-22-16, 39-22-17, 39-22-20, 39-22-21, 39-22-22, and 39-22-23 of the North Dakota Century Code, relating to penalties for motor vehicle dealer licensees.

**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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Grindberg; Lee, G.; Tallackson

SB 2148 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2152:** A BILL for an Act to create and enact two new subsections to section 43-28.1-03 of the North Dakota Century Code, relating to selection criteria and eligibility for loan repayment by dentists.

**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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Grindberg; Lee, G.; Tallackson

Engrossed SB 2152 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2171:** A BILL for an Act to amend and reenact subsection 1 of section 26.1-13-12 of the North Dakota Century Code, relating to the location of a county mutual insurance company's principal office.

**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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Grindberg; Lee, G.; Tallackson

SB 2171 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2195:** A BILL for an Act to amend and reenact section 51-28-01 of the North Dakota Century Code, relating to telephone solicitations.

**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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Grindberg; Lee, G.; Tallackson

SB 2195 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2204:** A BILL for an Act to amend and reenact sections 5-01-08, 5-01-09, 5-02-06, and 14-10-06 of the North Dakota Century Code, relating to immunity from criminal liability for consumption of alcoholic beverages by an individual under twenty-one years of age and mitigating factors for other individuals.

**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 39 YEAS, 2 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**NAYS:** Dever; Oehlke

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Grindberg; Lee, G.; Tallackson

SB 2204 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2216:** A BILL for an Act to create and enact a new section to chapter 32-19 of the North Dakota Century Code, relating to payment to redeem; and to amend and reenact section 32-19-22 of the North Dakota Century Code, relating to the service of notice before foreclosure.

**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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Grindberg; Lee, G.; Tallackson

SB 2216 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2231:** A BILL for an Act to amend and reenact section 16.1-14-20 of the North Dakota Century Code, relating to presidential electors.

**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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Grindberg; Lee, G.; Tallackson

SB 2231 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2235:** A BILL for an Act to amend and reenact section 16.1-06-15 of the North Dakota Century Code, relating to the security of the voting system programming and random testing of voting systems after an election.

**ROLL CALL**

The question being on the passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Grindberg; Lee, G.; Tallackson

SB 2235 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2242:** A BILL for an Act to amend and reenact subdivision a of subsection 6 of section 32-12.1-02 of the North Dakota Century Code, relating to the definition of a political subdivision under laws governing claims against political subdivisions.

**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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Grindberg; Lee, G.; Tallackson

SB 2242 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2274:** A BILL for an Act to amend and reenact sections 32-09.1-07 and 32-09.1-09 of the North Dakota Century Code, relating to the garnishment summons, notice, and disclosure.

**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 39 YEAS, 1 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Wanzek; Wardner; Warner

**NAYS:** Potter

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Grindberg; Lee, G.; Tallackson; Urlacher

SB 2274 passed and the title was agreed to.

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**REQUEST**

**SEN. URLACHER REQUESTED** that the record show he intended to vote "YEA" on SB 2274, which request was granted.

**SECOND READING OF SENATE BILL**

**SB 2280:** A BILL for an Act to amend and reenact section 47-22-04 of the North Dakota Century Code, relating to duties of the secretary of state with respect to registration of trademarks.

**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 1 YEAS, 40 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Behm

**NAYS:** Anderson; Bakke; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Grindberg; Lee, G.; Tallackson

SB 2280 lost.

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**SECOND READING OF SENATE BILL**

**SB 2289:** A BILL for an Act to amend and reenact section 20.1-04-15 of the North Dakota Century Code, relating to the youth pheasant hunting season.

**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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Behm; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Grindberg; Lee, G.; Tallackson

SB 2289 passed and the title was agreed to.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4003:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to establishment and use of a permanent oil tax trust fund; and to provide an effective date.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 13 YEAS, 28 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Christmann; Cook; Dever; Kilzer; Klein; Lindaas; Lyson; Oehlke; Olafson; Stenehjem; Tollefson; Urlacher

**NAYS:** Bakke; Behm; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Krauter; Krebsbach; Lee, J.; Marcellais; Mathern; Nelson; Nething; O'Connell; Pomeroy; Potter; Robinson; Seymour; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Andrist; Bowman; Erbele; Grindberg; Lee, G.; Tallackson

SCR 4003 was declared lost on a roll call vote.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4007:** A concurrent resolution urging Congress to provide adequate funding for state meat and poultry inspection programs and to enact legislation that allows federally approved state programs to ship state-inspected products interstate.

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

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

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2001, SB 2053, SB 2100, SB 2112, SB 2114, SB 2160, SB 2162, SB 2176, SB 2182.

**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 2097.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1109, HB 1137, HB 1184, HB 1216, HB 1234, HB 1235, HB 1257, HB 1258, HB 1274, HB 1282, HB 1302, HB 1310, HB 1313, HB 1332, HB 1350.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1291, HB 1293, HB 1301.

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, January 29, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2002: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2002 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2004: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2004 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2005: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2005 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2006: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2006 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2007: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2007 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2010: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2010 was placed on the Sixth order on the calendar.

Page 1, remove line 20

Page 1, line 21, replace "671,324" with "611,324"

Page 1, line 23, remove "out of any moneys in the general fund in the state"

Page 1, line 24, remove "treasury, not otherwise appropriated, and"

Page 2, line 5, replace "6,320,000" with "6,320,000"

Page 2, remove line 6

Page 2, line 7, replace "14,350,979" with "14,290,979"

Page 2, line 18, replace "\$1,153,804" with "\$1,003,804"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Senate Bill No. 2010 - Insurance Department - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,792,602		\$5,792,602
Operating expenses	2,178,377		2,178,377
Grants	6,320,000		6,320,000
National Conference of State Insurance Legislators	60,000	(\$60,000)	
Total all funds	\$14,350,979	(\$60,000)	\$14,290,979
Less estimated income	<u>14,350,979</u>	<u>(60,000)</u>	<u>14,290,979</u>
General fund	\$0	\$0	\$0
FTE	46.50	0.00	46.50

##### Dept. 401 - Insurance Department - Detail of Senate Changes

	REMOVES FUNDING FOR THE NATIONAL CONFERENCE OF STATE INSURANCE LEGISLATORS <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages		
Operating expenses		
Grants		
National Conference of State Insurance Legislators	(\$60,000)	(\$60,000)
Total all funds	(\$60,000)	(\$60,000)
Less estimated income	<u>(60,000)</u>	<u>(60,000)</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment removes funding of \$60,000 from special funds for operating expenses associated with legislative members' functions of the National Conference of State Insurance Legislators.

This amendment also amends Section 6 of the bill to decrease the administrative costs allocated to the fire and tornado fund by \$150,000 from \$1,153,804 to \$1,003,804.

#### REPORT OF STANDING COMMITTEE

**SB 2014: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2014 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2029, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2029 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2038: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2038 was placed on the Sixth order on the calendar.

Page 3, line 6, remove the overstrike over "~~Based on information from state~~"

Page 3, line 7, remove the overstrike over "~~agencies and institutions, the~~" and remove "The"

Page 3, line 8, remove "using a process"

Page 3, line 9, remove "involving advice from state agencies and institutions"

Page 3, line 12, overstrike "Unless an"

Page 3, line 13, overstrike "exemption is granted by the chief information officer, each" and insert immediately thereafter "Each"

Page 3, line 16, after "budget" insert "unless the chief information officer exempts an agency from the policies, standards, and guidelines to address situations unique to that agency"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2046: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2046 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2047: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2047 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "third"

Page 1, line 10, remove "full" and replace "day" with "full month"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2051: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2051 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2064: Judiciary Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2064 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 14-09-06.6 of the North Dakota Century Code, relating to the modification of custody of a child with a service member parent.

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

**SECTION 1.** A new subsection to section 14-09-06.6 of the North Dakota Century Code is created and enacted as follows:

If a motion for change of custody is filed during the time a parent is in active duty service, the court may not enter an order modifying or amending a previous judgment or order, or issue a new order, which changes the child's placement that existed on the date the parent was called to active duty service, except the court may enter a temporary custody order that is in the best interest of the child. The temporary

custody order must explicitly provide that custody must be restored to the service member upon the service member's release from active duty service, unless the court finds by clear and convincing evidence that restoration of custody would not be in the best interest of the child. If an original custody decision is pending and the service member is alerted for active duty service, or is absent for active duty service, the court may not issue a permanent custody order until the return of the service member from active duty. The court may issue a temporary custody order in the best interest of the child for the time period of the active duty service. This section does not prevent a service member from consenting to a modification of custody that continues past discharge or release from active duty service or to agreeing to a permanent custody order before release from active duty service. For purposes of this section, "service member" means a member of the national guard or a reserve unit of the United States armed forces and "active duty service" means an order to active duty under United States Code title 10."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2101: Judiciary Committee (Sen. Nething, 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 2, line 26, replace "as provided" with "at a temporary site for a special event authorized" and remove "rules"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2134, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2134 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2177: Judiciary Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2177 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "first" with "second"

Page 1, line 12, replace "second" with "third"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2183: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2183 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "an" with "a continuing"

Page 1, line 15, after "dies" insert "from an injury sustained"

Page 1, line 16, after "emergency" insert "or training activity"

Page 2, line 18, after "amount" insert "of up to fifty thousand dollars per biennium, as may be necessary, are" and replace "by the legislative assembly" with "on a continuing basis for deposit in the firefighters death benefit fund"

Page 2, line 19, remove "must be deposited in the firefighters death benefit fund"

Page 2, remove lines 25 through 29

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2210: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2210 was placed on the Sixth order on the calendar.

Page 3, line 7, after "percent" insert "or twenty-five dollars"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2214: Judiciary Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2214 was placed on the Sixth order on the calendar.

Page 5, line 14, replace "chapter 32-15" with "section 32-15-01"

Page 6, line 5, replace "chapter 32-15" with "section 32-15-01"

Page 7, line 18, replace "chapter 32-15" with "section 32-15-01"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2323: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2323 was referred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2230: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2230 was placed on the Sixth order on the calendar.

Page 1, line 21, overstrike "pollbooks of" and insert immediately thereafter "central voter file for" and overstrike "from the"

Page 1, line 22, overstrike "last regular statewide election"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2233: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2233 was placed on the Sixth order on the calendar.

Page 3, line 19, overstrike "of the"

Page 3, line 20, replace "posters" with "poster"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2249: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2249 was placed on the Sixth order on the calendar.

Page 1, line 3, after "program" insert "; and to provide for a report"

Page 1, line 6, replace "\$8,000,000" with "\$4,000,000"

Page 1, line 8, replace "equal payments" with "a \$1,000,000 grant each"

Page 1, line 10, after "to" insert "critical"

Page 1, line 14, after "institution" insert ", the state board for career and technical education,"

Page 1, line 15, after "to" insert "critical" and after "needs" insert ", including a dollar-for-dollar match from higher education institutions. In-kind matches may be allowed if appropriate. In preparing plans, higher education institutions should emphasize meeting the high and emerging needs of the workforce and should make an effort to limit adverse duplication of programs"

Page 1, line 16, remove the comma

Page 1, line 17, remove "up to ten percent for promotion," and after "and" insert "may use"

Page 1, line 19, replace "\$2,000,000" with "\$650,000"

Page 1, after line 23, insert:

**"SECTION 4. REPORT TO THE LEGISLATIVE COUNCIL.** The state board for career and technical education shall provide a report to a committee designated by the legislative council during the 2007-08 interim regarding the use of the funds appropriated in sections 1 and 3 of this Act."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2262: Judiciary Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2262 was placed on the Sixth order on the calendar.

Page 2, line 9, replace "renunciated" with "renounced"

Page 2, line 10, after the first "school" insert ", middle school,"

Page 2, line 13, after "school" insert ", middle school,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2265: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2265 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2327: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2327 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Nething introduced:

**SCR 4017:** A concurrent resolution expressing support for the continued statewide efforts to prevent the initiation of smoking among minors and to promote quitting among minors and adults and expressing concern about employers that allow their teenage employees to take smoking breaks, a practice that encourages the initiation of tobacco use, does not encourage or create incentives for minors to quit smoking, reduces productivity and the amount of time spent on assigned work-related duties, and creates hostility between smoking and nonsmoking employees.

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

Sen. J. Lee and Rep. Boucher introduced:

**SCR 4018:** A concurrent resolution expressing support for long-term care choices, including home and community-based services, for North Dakotans with disabilities and older adults.

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

Sens. Dever, Fischer, J. Lee and Reps. Kreidt, Porter, Weisz introduced:

**SCR 4019:** A concurrent resolution urging Congress to reauthorize the state children's health insurance program.

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

Sens. Krauter, Urlacher, Wardner and Reps. Kerzman, S. Meyer, Wald introduced:

**SCR 4020:** A concurrent resolution directing the Legislative Council to study the regulation of and consumer protection for timeshare agreements.

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

Sens. Cook, Oehlke, Tollefson, Urlacher, Wardner introduced:

**SCR 4021:** A concurrent resolution directing the Legislative Council to study the income tax laws, with emphasis on adjustments necessary to minimize or negate the impact to any taxpayer of establishing a single, uniform income tax return for all individuals.

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

Sen. Mathern and Rep. Kretschmar introduced:

**SCR 4022:** A concurrent resolution urging Congress and the President to pursue peace in Iraq and disengage American combat forces from Iraq duty.

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

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

**William R. Horton, Secretary**

