

**JOURNAL OF THE SENATE**

**Fifty-fifth Legislative Assembly**

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**Bismarck, January 17, 1997**

The Senate convened at 12:30 p.m., with President Myrdal presiding.

The prayer was offered by Father Hugo L. Blotsky, Christ the King, Mandan.

The roll was called and all members were present except Senators Bowman, Redlin, and Sand.

A quorum was declared by the President.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1060, HB 1064, HB 1098, HB 1100, HB 1113, HB 1120, HB 1130, HB 1148, HCR 3003, HCR 3004, HCR 3005, HCR 3006, HCR 3007.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2067, SB 2075, SB 2095, SB 2112, SB 2129, SCR 4003.

**MOTION**

**SEN. GOETZ MOVED** that SB 2032, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2032 was rereferred.

**CONSIDERATION OF AMENDMENTS**

**SB 2033: SEN. WANZEK (Education Committee) MOVED** that the amendments on SJ page 84 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2072: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED** that the amendments on SJ page 85 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2143: SEN. KLEIN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 85 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2070:** A BILL for an Act to amend and reenact subdivision a of subsection 3 of section 57-02-08.3, subsection 2 of section 57-09-01, and subsection 2 of section 57-11-01 of the North Dakota Century Code, relating to when interest on a lien for homestead credit for special assessments begins to accrue and making the county director of tax equalization responsible for publishing the notice of the annual meeting of the township board of equalization and of the annual meeting of the city board of equalization.

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

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin

Engrossed SB 2070 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 15-21 of the North Dakota Century Code, relating to mediation between school districts and parents of students.

**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 43 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; Christmann; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Andrist; Cook; Klein; O'Connell

**ABSENT AND NOT VOTING:** Bowman; Redlin

Engrossed SB 2096 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2024:** A BILL for an Act to amend and reenact sections 4-08-01, 4-08-02, 4-08-03, 4-08-04, 4-08-05, 4-08-06, 4-08-07, 4-08-09, 4-08-10, 4-08-11, 4-08-12, 4-08-13, 4-08-14, 4-08-15, 4-08-15.1, and subsections 4 and 5 of section 57-15-06.7 of the North Dakota Century Code, relating to the North Dakota state university extension service and extension agents; and to repeal section 9 of chapter 34 of the 1989 Session Laws, relating to extension service area resource centers.

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

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin

SB 2024 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2038:** A BILL for an Act to repeal chapter 60-07 of the North Dakota Century Code, relating to the licensing of storage companies as public warehouses.

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

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin

SB 2038 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2054:** A BILL for an Act to amend and reenact section 54-35-02.1 of the North Dakota Century Code, relating to the membership of the budget section and the legislative audit and fiscal review committee.

### 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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin

SB 2054 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2059:** A BILL for an Act to amend and reenact section 25-03.1-43 of the North Dakota Century Code, relating to making confidential commitment records of the department of human services available to law enforcement in limited circumstances.

### 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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin

SB 2059 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2063:** A BILL for an Act to create and enact a new section to chapter 21-03 of the North Dakota Century Code, relating to prohibiting recounts in municipal bond issue elections.

### 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 5 YEAS, 42 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Kelsh; Lips; O'Connell; Tallackson; Traynor

**NAYS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin

SB 2063 lost.

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### SECOND READING OF SENATE BILL

**SB 2078:** A BILL for an Act to create and enact a new section to chapter 61-04.1 of the North Dakota Century Code, relating to an exception to the open records law for lightning data.

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

**NAYS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin

SB 2078 lost.

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### SECOND READING OF SENATE BILL

**SB 2079:** A BILL for an Act to create and enact a new subsection to section 61-04-01.1 of the North Dakota Century Code, relating to the definition of rural water system; and to amend and reenact sections 61-04-06.2, 61-04-23, 61-04-24, and 61-04-25 of the North Dakota Century Code, relating to forfeiture of water rights held by rural water supply systems.

### 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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin

SB 2079 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2083:** A BILL for an Act to provide for the continuation of an agricultural pesticide and pesticide container disposal program; and to provide an expiration date.

### 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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin

SB 2083 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2100:** A BILL for an Act to amend and reenact sections 54-52.3-01 and 54-52.3-03 of the North Dakota Century Code, relating to participation by district health units in the pretax benefits program.

### 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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin

SB 2100 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1104:** A BILL for an Act to amend and reenact subdivision h of subsection 1 of section 57-38-01.2, subsection 5 of section 57-38-04, and subsection 2 of section 57-38-60 of the North Dakota Century Code, relating to allocation and apportionment of nonresident income and employer income tax withholding return requirements; and to provide an effective date.

### 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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin

HB 1104 passed and the title was agreed to.

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### MOTION

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

### MOTION

**SEN. GOETZ 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., Monday, January 20, 1997, which motion prevailed.

### REPORT OF STANDING COMMITTEE

**SB 2025: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2025 was placed on the Sixth order on the calendar.

Page 1, line 12, after the first "research" insert "extension", after the second "research" insert "extension", and after the third "research" insert "extension"

Page 1, line 13, after the second "research" insert "extension"

Page 3, line 20, after "**research**" insert "extension" and after "research" insert "extension"

Page 3, line 30, after "**research**" insert "extension" and after "research" insert "extension"

Page 4, line 9, after "**research**" insert "extension" and after "research" insert "extension"

Page 5, line 3, after "**research**" insert "extension" and after "research" insert "extension"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2027: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2027 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for registration of certain home service providers; and to provide a penalty.

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

**SECTION 1. Home service providers to register.** Any person who, in exchange for a fee, provides home health aide services, respite care services, or personal attendant care services shall register on a nurses' aide registry with the department of health, a nurses' aide registry with the state board of nursing, or a qualified service provider registry with the department of human services. Before a person may be included on a nurses' aide or qualified service provider registry, the person must meet the registration qualifications set forth by the department of health, the state board of nursing, or the department of human services. A person who violates this section is guilty of a class B misdemeanor. This section does not apply to a person providing the service on a volunteer basis without compensation or providing the service for a family member, or to a person otherwise licensed to provide the service if the service provided is included within the scope of the practice for which the person is licensed."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2029: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2029 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "proficiency" with "skills" and replace "educational assistance for adults having limited" with "level I and II students."

Page 1, remove line 4

Page 1, line 10, replace "four" with "three" and remove "seventy-five"

Page 1, line 13, replace "difficulty speaking, reading, writing, and understanding" with "been assessed by the student's school district and determined to have negligible or very limited" and after "English" insert "language skills as evidenced by a classification of level I or II using the Woodcock-Munoz language survey"

Page 1, remove lines 14 through 16

Page 1, line 17, replace "3" with "2"

Page 1, line 18, replace "2" with "1"

Page 2, line 2, replace "\$100,000" with "\$300,000"

Page 2, line 4, replace "educational assistance through adult learning centers to eligible adults" with "payments to school districts educating refugee students qualifying under section 1 of this Act"

Page 2, remove line 5

Page 2, line 6, remove "superintendent of public instruction"

Page 2, line 7, remove "For purposes of this section, "eligible adult" means one who has immigrated to"

Page 2, remove lines 8 and 9

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2039: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2039 was placed on the Sixth order on the calendar.

Page 2, line 2, overstrike "liquid or gas computing pump" and insert immediately thereafter "a retail motor fuel device"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2046: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2046 was placed on the Sixth order on the calendar.

Page 1, line 4, after the third comma insert "subsection 5 of section 20.1-03-04, section"

Page 1, line 7, after the third comma insert "subdivision q of subsection 1 of section 28-32-01,"

Page 1, line 11, remove "and"

Page 1, line 12, after "54-52-17" insert ", and section 54-56-01"

Page 1, line 13, after "sections" insert "29-01-32,"

Page 1, line 14, after "32-03-19" insert a comma

Page 4, line 28, after "certificate" insert "from the education standards and practices board"

Page 4, line 29, remove the overstrike over "~~superintendent of public instruction~~" and remove "education standards and practices board"

Page 5, after line 9, insert:

**"SECTION 12. AMENDMENT.** Subsection 5 of section 20.1-03-04 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. Residents may fish without a resident fishing license ~~or trout and salmon license stamp~~ on free fishing days. The dates of these free fishing days may be set by proclamation by the governor."

Page 9, after line 6, insert:

**"SECTION 24. AMENDMENT.** Subdivision q of subsection 1 of section 28-32-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- q. The superintendent of public instruction, except with respect to rules prescribed under section 15-21-07 ~~and rules implementing chapter 15-22.~~"

Page 15, after line 5, insert:

**"SECTION 39. AMENDMENT.** Section 54-56-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-56-01. Children's services coordinating committee - Membership.** The children's services coordinating committee is hereby established and consists of the

governor or a designee of the governor, the attorney general or a designee of the attorney general, the commissioner of the board of higher education or a designee of the commissioner, the superintendent of public instruction, the executive director of the department of human services, the state health officer, the executive director of job service North Dakota or a designee of the executive director, the director of the department of corrections and rehabilitation; or a designee of the director of the department of corrections and rehabilitation, the director of the office of management and budget; or a designee of the director of the office of management and budget, the director of vocational and technical education, ~~the chairperson of the governor's committee on children and youth or that chairperson's designee~~, a representative of the Indian affairs commission, a designee of the chief justice, and a member at large to be appointed by the governor. The governor or the governor's designee shall act as chairperson."

Page 15, line 7, after "Code" insert "and section 29-01-32 of the 1995 Supplement to the North Dakota Century Code"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2056: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2056 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2080: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2080 was placed on the Sixth order on the calendar.

Page 2, line 4, after "retaining" insert ", obstructing, or diverting more than"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2092: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2092 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "lot"

Page 1, line 10, after the first "~~day~~" insert "conducting a drawing within five days" and remove the overstrike over "~~following the last day for~~"

Page 1, line 11, remove the overstrike over "~~the filing of the nomination papers~~" and after the period insert "The city auditor shall set the date, time, and location for conducting the drawing and shall give advanced notice of the drawing to the candidates involved."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2093: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2093 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "largest precinct" with "ballot in the precinct in the county which cast the highest total vote for governor at the last general election at which the office of governor was filled"

Page 2, line 2, remove "in the county"

Page 2, line 10, replace "Ballots in your precinct are subject to change from the published sample ballot," with "The arrangement of candidate names appearing on ballots in your precinct may vary from the published sample ballots, depending upon the precinct and legislative district in which you reside"

Page 2, line 11, remove "depending upon the legislative district"

Page 2, line 16, replace "largest precinct in the county" with "ballot in the precinct in the county which cast the highest total vote for governor at the last general election at which the office of governor was filled"

Page 3, line 13, replace "largest precinct" with "ballot in the precinct in the county which cast the highest total vote for governor at the last general election at which the office of governor was filled"

Page 3, line 14, remove "in the county"

Page 3, line 15, replace "Ballots in your precinct are subject to change from the published sample ballot," with "The arrangement of candidate names appearing on ballots in your precinct may vary from the published sample ballots, depending upon the precinct and legislative district in which you reside."

Page 3, remove line 16

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2099: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2099 was placed on the Sixth order on the calendar.

Page 1, line 8, replace the first "subsection" with "subsections" and after the first "1" insert "and 4"

Page 1, line 12, after "repeal" insert "chapter 10-18.1 and" and after the second "to" insert "the Uniform Act for the Simplification of Fiduciary Security Transfers and"

Page 37, after line 5, insert:

**"41-08-52. (8-603) Savings clause.**

1. This Act does not affect an action or proceeding commenced before this Act takes effect.
2. If a security interest in a security is perfected at the date this Act takes effect and the action by which the security interest was perfected would suffice to perfect a security interest under this Act, no further action is required to continue perfection. If a security interest in a security is perfected at the date this Act takes effect but the action by which the security interest was perfected would not suffice to perfect a security interest under this Act, the security interest remains perfected for a period of four months after the effective date and continues perfected thereafter if appropriate action to perfect under this Act is taken within that period. If a security interest is perfected at the date this Act takes effect and the security interest can be perfected by filing under this Act, a financing statement signed by the secured party instead of the debtor may be filed within that period to continue perfection or thereafter to perfect."

Page 44, line 11, after the second underscored period insert "A secured creditor that obtains control over any investment property to perfect a security interest as provided by this chapter, by virtue of that conduct alone, does not control a debtor for any purpose under the federal bankruptcy code [11 U.S.C.]."

Page 46, after line 23, insert:

**"SECTION 14. AMENDMENT.** Subsection 4 of section 41-09-16 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. A transaction, although subject to this chapter, is also subject to chapters ~~40-48-4~~, 13-03, 35-05, 49-09, and 51-13, and in the case of conflict between the provisions of this chapter and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein."

Page 47, line 5, replace "certified" with "certificated"

Page 51, line 11, replace "Chapter" with "Chapters 10-18.1 and" and replace "is" with "are"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2101: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2114: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2114 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2126: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2126 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2128: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2128 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "~~chairman~~" and remove "chairperson"

Page 2, line 17, replace "to" with "in"

Page 3, line 11, replace "chairperson" with "chairman"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2130: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2130 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2040: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2040 was placed on the Sixth order on the calendar.

Page 3, remove the overstrike over lines 29 and 30

Page 4, remove the overstrike over lines 1 and 2

Page 4, after line 2, insert:

"g. "Residential treatment" has the same meaning as provided in section 25-03.2-01."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4007: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4007 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE BILLS**

Sens. Thane, Nothing, Robinson, Traynor and Reps. Jensen, Price introduced:

**SB 2193:** A BILL for an Act to amend and reenact sections 12.1-31-03 and 27-20-32 of the North Dakota Century Code, relating to the sale of tobacco to minors and prohibiting the use of tobacco by minors; and to provide a penalty.

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

Sens. W. Stenehjem, Holmberg, Lee and Reps. Delmore, Kliniske, Poolman introduced:

**SB 2194:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to health insurance coverage for inherited metabolic disease.

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

Sens. Krebsbach, Lindaas and Reps. Froseth, Stenehjem, Wardner introduced:

**SB 2195:** A BILL for an Act to amend and reenact subsection 3 of section 52-09-08 and subsection 5 of section 57-15-28.1 of the North Dakota Century Code, relating to the old-age and survivor insurance system tax levy.

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

Sens. Goetz, O'Connell and Reps. Belter, Mahoney introduced:

**SB 2196:** A BILL for an Act to amend and reenact subsection 7 of section 57-60-01 of the North Dakota Century Code, relating to the definition of gross receipts under the privilege tax on coal conversion facilities; to provide for retroactive application; to provide an effective date; to provide an expiration date; and to declare an emergency.

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

Sen. Goetz and Reps. Wald, Wardner introduced:

**SB 2197:** A BILL for an Act to amend and reenact sections 26.1-36-09.3 and 54-52.1-04.6 of the North Dakota Century Code, relating to insurance coverage for treatment of temporomandibular joint disorder and craniomandibular disorder.

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

Sen. Holmberg introduced:

**SB 2198:** A BILL for an Act to create and enact a new section to chapter 35-20 of the North Dakota Century Code, relating to creation of a landlord's lien on a mobile home.

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

Sens. Holmberg, Lee and Reps. Froseth, Poolman introduced:

**SB 2199:** A BILL for an Act to create and enact a new section to chapter 40-47 and a new section to chapter 40-48 of the North Dakota Century Code, relating to conditions for approval of an amendment or modification of a zoning regulation or approval of a plat.

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

Sen. Holmberg and Reps. Froseth, Poolman introduced:

**SB 2200:** A BILL for an Act to amend and reenact sections 40-51.2-10 and 40-51.2-13 of the North Dakota Century Code, relating to the composition and decisions of an annexation review commission.

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

Sens. Lee, Watne introduced:

**SB 2201:** A BILL for an Act to amend and reenact sections 44-06-03 and 44-06-03.1 of the North Dakota Century Code, relating to bonds of notaries public.

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

Sen. Watne introduced:

**SB 2202:** A BILL for an Act to amend and reenact subsection 6 of section 23-07.5-02 of the North Dakota Century Code, relating to testing for the human immunodeficiency virus.

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

Sens. Berg, DeMers, Fischer and Reps. R. Kelsch, Kerzman introduced:

**SB 2203:** A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to the distribution of collected child support; and to provide an effective date.

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

Sens. Grindberg, Nething introduced:

**SB 2204:** A BILL for an Act to amend and reenact subdivision d of subsection 17 of section 4-22-26, sections 11-14-10, 11-14-16, and 40-40-13 of the North Dakota Century Code, relating to distribution of tax revenues to political subdivisions; and to provide an effective date.

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

Sens. Grindberg, Krauter introduced:

**SB 2205:** A BILL for an Act to amend and reenact section 34-06-12 of the North Dakota Century Code, relating to wage, hour, and conditions of labor orders issued by the commissioner of labor.

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

Sens. Naaden, Kelsh, Mutch and Reps. Boehm, Galvin, S. Kelsh introduced:

**SB 2206:** A BILL for an Act to create and enact three new sections to chapter 15-38 of the North Dakota Century Code, relating to sex education in the public schools.

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

Sen. Grindberg and Rep. Sveen introduced:

**SB 2207:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to required coverages in health plans.

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

Sens. DeMers, Thane and Reps. Gorder, Kerzman, Rose, Svedjan introduced:

**SB 2208:** A BILL for an Act to create and enact two new sections to chapter 23-07.1 of the North Dakota Century Code, relating to the control of tuberculosis; to amend and reenact sections 23-07.1-01, 23-07.1-04, 23-07.1-05, 23-07.1-06, 23-07.1-07, 23-07.1-08, 23-07.1-09, 23-07.1-10, 23-07.1-12, 23-07.1-13, and 23-07.1-14 of the North Dakota Century Code, relating to the control and eradication of tuberculosis; and to provide a penalty.

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

Sens. W. Stenehjem, Andrist, C. Nelson and Reps. Berg, Delmore, Kretschmar introduced:

**SB 2209:** A BILL for an Act to amend and reenact subsections 7 and 8 of section 12.1-35-01, sections 12.1-35-03, 27-20-52, and 39-08-10.1 of the North Dakota Century Code, relating to the release of the identity of children and records regarding children and the release of the identity of persons seriously injured or deceased.

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

Sen. W. Stenehjem and Rep. Kretschmar introduced:

**SB 2210:** A BILL for an Act to create and enact chapter 10-33 of the North Dakota Century Code, relating to nonprofit corporations; to amend and reenact subsection 2 of section 11-10-24, sections 14-03-09, 15-17-01, 18-05-01, 26.1-14-03, 26.1-17-11, subsection 2 of section 40-01-23, subsection 12 of section 49-23-01, subsection 8 of section 54-01.1-02, section 55-03-01, subsection 2 of section 61-16.1-60, and section 61-35-29 of the North Dakota Century Code, relating to references to the Nonprofit Corporations Act; to repeal chapters 10-24, 10-25, 10-26, 10-27, and 10-28 of the North Dakota Century Code, relating to the Nonprofit Corporations Act; to provide a penalty; and to provide an effective date.

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

Sen. Naaden introduced:

**SB 2211:** A BILL for an Act to amend and reenact section 57-15-01.1 of the North Dakota Century Code, relating to establishing values for property exempt from property taxes.

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

Sens. O'Connell, Schobinger, B. Stenehjem and Reps. Boehm, Maragos, Sveen introduced:

**SB 2212:** A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-11 of the North Dakota Century Code, relating to temporary restricted motor vehicle operators' licenses.

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

Sens. Mathern, G. Nelson, Lindaas and Reps. Dorso, Boucher, Guleson introduced:

**SB 2213:** A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to fees for the use of computer equipment and associated software by legislators; and to provide a continuing appropriation.

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

Sens. Watne, Traynor, W. Stenehjem and Reps. R. Kelsch, Kretschmar, Oban introduced:

**SB 2214:** A BILL for an Act to amend and reenact subsection 1 of section 54-06-20 of the North Dakota Century Code, relating to the composition of the indigent civil legal services fund advisory committee; and to provide an appropriation to the indigent civil legal services fund.

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

Sens. Krebsbach, Grindberg, Thompson and Reps. Berg, Coats, Skarphol introduced:

**SB 2215:** A BILL for an Act to amend and reenact section 34-14-02 of the North Dakota Century Code, relating to the direct deposit of wages by employers.

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

Sens. Thompson, Lee, Sand and Reps. Gerntholz, Olson, Thompson introduced:

**SB 2216:** A BILL for an Act to provide compensation for damage by construction of an outlet from Devils Lake to the Sheyenne River; and to provide an appropriation.

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

Sen. W. Stenehjem introduced:

**SB 2217:** A BILL for an Act to amend and reenact section 28-01-46 of the North Dakota Century Code, relating to expert witnesses in medical malpractice actions.

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

Sen. Urlacher introduced:

**SB 2218:** A BILL for an Act to amend and reenact section 35-05-01.1 of the North Dakota Century Code, relating to crop mortgages; and to repeal section 35-05-04 of the North Dakota Century Code, relating to security agreements covering specific crops.

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

#### FIRST READING OF HOUSE BILLS

**HB 1060:** A BILL for an Act to amend and reenact subsection 2 of section 6-01-03, sections 6-01-04, 6-01-04.3, subsection 7 of section 6-03-02, sections 6-03-07, 6-03-21, subsection 1 of section 6-03-47.2, sections 6-03-69, 6-03-71, subsections 5 and 6 of section 6-06-02, subsection 12 of section 6-06-06, subsection 1 of section 6-06-08, sections 6-06-19, 6-06-21.1, and 6-06-26 of the North Dakota Century Code, relating to the membership of the state credit union board and the powers and duties of the state banking board and state credit union board; and to repeal section 6-06-18 of the North Dakota Century Code, relating to state credit union board approval of interest rates.

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

**HB 1064:** A BILL for an Act to create and enact a new section to chapter 27-09.1 of the North Dakota Century Code, relating to the selection of jurors.

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

**HB 1098:** A BILL for an Act to amend and reenact section 6-06-07 of the North Dakota Century Code, relating to fields of membership for credit unions.

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

**HB 1100:** A BILL for an Act to amend and reenact section 34-05-03 of the North Dakota Century Code, relating to confidentiality of information furnished to the labor commissioner.

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

**HB 1113:** A BILL for an Act to amend and reenact section 47-25-03 of the North Dakota Century Code, relating to the consent to use a similar trade name.

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

**HB 1120:** A BILL for an Act to amend and reenact section 52-06-30 of the North Dakota Century Code, relating to voluntary withholding of federal income tax and state income tax from unemployment compensation benefits; to provide an effective date; and to declare an emergency.

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

**HB 1130:** A BILL for an Act to amend and reenact section 15-21.1-03 of the North Dakota Century Code, relating to chemical abuse prevention program grants to school districts.

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

**HB 1148:** A BILL for an Act to amend and reenact sections 43-19.1-18 and 43-19.1-22 of the North Dakota Century Code, relating to the registration of professional engineers and land surveyors.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

**HCR 3003:** A concurrent resolution directing the Legislative Council to monitor the implementation of the projects developed by the Department of Human Services related to the conversion of existing nursing facility or basic care capacity for use by the Alzheimer's and related dementia population and the testing of an expanded case management system for elderly persons and disabled persons.

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

**HCR 3004:** A concurrent resolution directing the Legislative Council to study the means of expanding home and community-based service availability, options for training additional qualified service providers, adequacy of geropsychiatric services, and the feasibility of combining service reimbursement payment sources to allow payments to flow to a broadened array of elderly and disabled services options.

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

**HCR 3005:** A concurrent resolution directing the Legislative Council to study Native American long-term care needs and access to appropriate services and the functional relationship between state service units and the Native American reservation service systems.

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

**HCR 3006:** A concurrent resolution directing the Legislative Council to study long-term care financing issues to determine the changes necessary to develop alternative services and the feasibility of a managed care system for long-term care services.

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

**HCR 3007:** A concurrent resolution regarding the approval of state agency use of block grant funds and authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants as passed by Congress.

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

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

**William C. Parker, Secretary**