

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, January 20, 1999

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

The prayer was offered by Rev. Harley A. Holden, New Life Clinics, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1063, HB 1067, HB 1076, HB 1081, HB 1127, HB 1154, HB 1164, HB 1173, HB 1179, HCR 3001, HCR 3003, HCR 3004.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Dan Wogsland.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Sand, Chairman)** has carefully examined the Journal of the Eleventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 105, line 6, replace "Myrdal" with "Pro Tem W. Stenehjem"

Page 105, line 9, after "President" insert "Pro Tem"

SEN. SAND MOVED that the report be adopted, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2104: SEN. B. STENEHJEM (Finance and Taxation Committee) MOVED that the amendments on SJ page 114 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2157: SEN. C. NELSON (Political Subdivisions Committee) MOVED that the amendments on SJ page 114 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2158: SEN. B. STENEHJEM (Transportation Committee) MOVED that the amendments on SJ page 114 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2173: SEN. THOMPSON (Transportation Committee) MOVED that the amendments on SJ page 115 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2120: A BILL for an Act to amend and reenact section 16.1-10-06 of the North Dakota Century Code, relating to electioneering on election day.

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

YEAS: Andrist; Bercier; Bowman; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mathern, D.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin;

Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Christmann; Kelsh; Krauter; Lindaas; Mathern, T.; O'Connell

Engrossed SB 2120 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2067: A BILL for an Act to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to validation of bonds issued by public bodies of the state before July 1, 1999; and to provide for a legislative council study on the validation of bonds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2067 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2107: A BILL for an Act to create and enact a new section to chapter 61-04 of the North Dakota Century Code, relating to water permit applications; and to amend and reenact subsection 4 of section 61-04-05 and section 61-04-06 of the North Dakota Century Code, relating to water permit applications.

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 46 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Andrist; Christmann; Sand

Engrossed SB 2107 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2116: A BILL for an Act to amend and reenact subsection 2 of section 54-05.1-03 and subsection 1 of section 54-05.1-04 of the North Dakota Century Code, relating to fees for late filing of lobbyist reports and posting of lists of lobbyists in the legislative chambers; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson;

Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2116 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2128: A BILL for an Act to amend and reenact section 11-13-02.1 and subsection 2 of section 44-04-18 of the North Dakota Century Code, relating to fees charged for compiling statistical information.

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 44 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Heitkamp; Kinnoin; Krauter; O'Connell; Tomac

Engrossed SB 2128 passed and the title was agreed to.

MOTION

SEN. ST. AUBYN MOVED that SB 2131, which is on the Eleventh order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Sen. St. Aubyn's motion, SB 2131 was rereferred.

SECOND READING OF SENATE BILL

SB 2136: A BILL for an Act to amend and reenact section 6-09-37 of the North Dakota Century Code, relating to sale of land acquired by the Bank of North Dakota.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2136 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2184: A BILL for an Act to amend and reenact sections 39-10-05, 39-10-06, and 39-10-07 of the North Dakota Century Code, relating to traffic control signals.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson;

Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

SB 2184 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1106: A BILL for an Act to amend and reenact subsection 14 of section 57-01-02 and subdivision q of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to the elimination of obsolete or incorrect references in the income tax laws relating to offers in compromise and the Myron G. Nelson Fund, Incorporated; and to repeal subdivision p of subsection 1 of section 57-38-01.2 and subdivision h of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to obsolete income tax law references to the Myron G. Nelson Fund, Incorporated.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

HB 1106 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1109: A BILL for an Act to amend and reenact sections 47-19-06, 57-37.1-10, and 57-37.1-21 of the North Dakota Century Code, relating to the elimination of obsolete provisions relating to documents required to be filed with the tax commissioner for estate tax purposes; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

HB 1109 passed and the title was agreed to.

MOTION

SEN. ST. AUBYN MOVED that SB 2359 be returned to the Senate floor from the **Natural Resources Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. St. Aubyn's motion, SB 2359 was rereferred.

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 2105, SB 2145.

MOTION

SEN. ST. AUBYN 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., Thursday, January 21, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2037: 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 2037 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "managed care" with "case management"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2054: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2054 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2065: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2065 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2078: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2078 was placed on the Sixth order on the calendar.

Page 1, line 14, after "jurors" insert "in any county"

Page 1, line 16, replace "any" with "an adjoining"

Page 1, line 17, after "district" insert "or from the clerk of court of another county in the judicial district if a sufficient number of names and addresses is not available from the adjoining county"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2079: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2079 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2084: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2084 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2087: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2087 was placed on the Sixth order on the calendar.

Page 2, line 2, after "of" insert "at least"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2113: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2113 was placed on the Sixth order on the calendar.

Page 2, line 27, after "home" insert ", the primary vehicle," and after "in" insert "other"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2114: 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 2114 was placed on the Sixth order on the calendar.

Page 1, line 14, remove the overstrike over "~~mental or physical disability of a parent or child,~~"

Page 1, line 15, remove the overstrike over "~~mental or physical incapacity of a parent~~" and insert immediately thereafter ",or other"

Page 3, line 9, after "using" insert "the" and replace "provided by job service North" with "that is most appropriate"

Page 3, line 10, remove "Dakota"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2115: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2115 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2154: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2154 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2192: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2192 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2194: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2194 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 32-09.1-07, 32-09.1-20, and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 32-09.1-07 of the North Dakota Century Code is amended and reenacted as follows:

32-09.1-07. Form of summons and notice. The garnishee summons must state that the garnishee must serve upon the plaintiff or the plaintiff's attorney within twenty days after service of the garnishee summons a written disclosure, under oath, of indebtedness to the defendant and answers to all written interrogatories that are served with the garnishee summons. The plaintiff may not require disclosure of indebtedness or property of the defendant in the garnishee's possession or under the garnishee's control to the extent that the indebtedness or property exceeds one hundred ten percent of the amount of the judgment which remains unpaid. The garnishee summons must include the full name of the defendant and place of residence and the amount of the judgment which remains unpaid. The garnishee summons must also state that the garnishee must retain property or money in the garnishee's possession pursuant to this chapter until the plaintiff causes a writ of execution to be served upon the garnishee or until the defendant authorizes release to the plaintiff and must state that after the expiration of the period of time specified in section 32-09.1-20, the garnishee must release all retained property and money to the defendant and is discharged and relieved of all liability on the garnishee summons. The garnishee summons must state that no employer may discharge any employee because the employee's earnings are subject to garnishment. The garnishee summons must state that any assignment of wages made by the defendant or indebtedness to the garnishee incurred within ten days before the receipt of notice of the first garnishment on the underlying debt is void. The garnishee summons must state the date of the entry of judgment against the defendant. The garnishee summons must state that the defendant must provide to the garnishee within ten days after receipt of the garnishee summons a verified list of the dependent family members who reside with the defendant and their social security numbers, if any, to have the maximum amount subject to garnishment reduced under subsection 2 of section 32-09.1-03. The garnishee summons must state that failure of the defendant to provide a verified list to the garnishee within ten days after receipt of

the garnishee summons is conclusive with respect to whether the defendant claims no family members.

The garnishee summons and notice to defendant must be substantially in the following form:

State of North Dakota)	In _____ Court
) ss.	
County of _____)	_____

	Plaintiff	
against		Garnishee Summons and
_____		Notice to Defendant
	Defendant	
and		

	Garnishee	

The State of North Dakota to the above-named Garnishee:

You must serve upon the plaintiff or the plaintiff's attorney, within twenty days after service of this summons upon you, a written disclosure, under oath, setting forth the amount of any debt you may owe to the defendant, _____ (give full name and residence of defendant) and a description of any property, money, or effects owned by the defendant which are in your possession. Your disclosure need not exceed \$_____. (Enter 110 percent of the plaintiff's judgment which remains unpaid.) The date of entry of the judgment against the defendant was _____ (enter date of entry of plaintiff's judgment) and the amount of the judgment that remains unpaid is \$_____.

The defendant must provide you with a verified list of the names of dependent family members who reside with the defendant and their social security numbers if the defendant desires to have the garnishment amount reduced under subsection 2 of section 32-09.1-03. Failure of the defendant to provide the list to you is conclusive to establish that the defendant claims no dependent family members reside with the defendant.

Failure to disclose and withhold may make you liable to the plaintiff for the sum of \$_____. (Enter the lesser of the plaintiff's judgment against the defendant or 110 percent of the amount that remains unpaid.)

You must retain the defendant's nonexempt property, money, and effects in your possession until a writ of execution is served upon you, until the defendant authorizes release to the plaintiff, or until the expiration of ~~480~~ 270 days from the date of service of this summons upon you. If no writ of execution has been served upon you or no agreement has been made for payment within ~~480~~ 270 days, the garnishment ends and any property or funds held by you must be returned to the defendant if the defendant is otherwise entitled to their possession.

Any assignment of wages by the defendant or indebtedness to you incurred by the defendant within ten days before the receipt of the first garnishment on a debt is void and should be disregarded.

You may not discharge the defendant because the defendant's earnings are subject to garnishment.

Dated this _____ day of _____, 19____.

By: _____

NOTICE TO DEFENDANT

To: _____

The garnishee summons, garnishment disclosure form, and written interrogatories (strike out if not applicable), that are served upon you, were also served upon _____, the garnishee.

(Attorneys for Plaintiff)

(Address)

 (Telephone)

SECTION 2. AMENDMENT. Section 32-09.1-20 of the North Dakota Century Code is amended and reenacted as follows:

32-09.1-20. Termination of garnishment. A garnishee summons lapses and the garnishee is discharged of any liability upon the expiration of ~~one hundred eighty~~ two hundred seventy days after the service of the summons, or a longer period of time either agreed to in writing by the plaintiff and the defendant or ordered by the court. Immediately upon the lapse of the garnishee summons, all earnings, money, property, and effects ~~which that~~ the garnishee has been retaining pursuant to the garnishment ~~shall~~ must be returned to the defendant if the defendant is otherwise legally entitled to receipt of them."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2197: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2197 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2204: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2204 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4003: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4003 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. C. Nelson, Lee, Lyson, Mutzenberger and Reps. Guleson, Poolman introduced:

SB 2368: A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to the sale of food, drugs, and cosmetics; and to provide a penalty.

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

Sens. Fischer, Heitkamp, D. Mathern and Reps. Aarsvold, Nelson introduced:

SB 2369: A BILL for an Act to amend and reenact sections 61-16.1-18 and 61-16.1-22 of the North Dakota Century Code, relating to water resource district project notices.

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

Sens. Lee, Fischer, Lyson and Reps. Aarsvold, Grosz, Winrich introduced:

SB 2370: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to pawnbrokers and secondhand stores; and to provide a penalty.

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

Sen. Watne introduced:

SB 2371: A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to a presumption in drug forfeiture cases.

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

Sen. Naaden introduced:

SB 2372: A BILL for an Act to amend and reenact subsection 1 of section 44-04-21.1 of the North Dakota Century Code, relating to the administrative review procedure for a written denial of a request for public records or a denial of access to a public meeting.

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

Sen. Bowman and Rep. Meyer introduced:

SB 2373: A BILL for an Act to amend and reenact section 20.1-05-03 of the North Dakota Century Code, relating to the opening time for big game hunting seasons.

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

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

SB 2374: A BILL for an Act to create and enact a new section to chapter 50-24.1 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to medical assistance and insurance coverage of foods and food products for inherited metabolic

diseases; and to amend and reenact section 26.1-36-09.7 of the North Dakota Century Code, relating to removal of the sunset provision of the foods and food products for inherited metabolic diseases insurance coverage law.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. W. Stenehjem, Andrist, Holmberg and Reps. DeKrey, Delmore, Devlin introduced:

SCR 4017: A concurrent resolution for the amendment of section 5 of article V of the Constitution of North Dakota, relating to the election of executive branch officers.

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

FIRST READING OF HOUSE BILLS

HB 1044: A BILL for an Act to amend and reenact section 4-22-47, subsection 4 of section 6-08-16, subsection 7 of section 6-08-16.2, sections 11-19-05, 11-19-11, 14-03-20, subsection 3 of section 16.1-01-09, sections 16.1-11-10, 16.1-11.1-02, 16.1-12-02.1, 16.1-13-05, 16.1-14-20, 16.1-15-45, 21-01-06, 27-06-07, 29-05-31, 32-09.1-07, subsection 5 of section 32-09.1-09, sections 35-22-07, 37-07-03, 37-08-02, subsection 1 of section 43-25-11, sections 47-16-36, 57-09-06, 57-20-05, 57-24-20, 57-24-24, 57-25-05, 57-27-06, 57-27-07, 57-27-08, 57-27-09, 57-28-05, 57-28-07, 57-28-16, 58-16-03, 60-02-13, 61-05-15, 61-06-10, 61-24-03, 61-24.5-06, and 61-24.5-07 of the North Dakota Century Code, relating to corrections of twentieth century statutory references.

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

HB 1063: A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code, relating to provisional teaching certificates.

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

HB 1067: A BILL for an Act to amend and reenact section 32-28-02 of the North Dakota Century Code, relating to the name change of a minor.

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

HB 1070: A BILL for an Act to amend and reenact sections 52-09-07, 52-09-08, and subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to contributions to and primary insurance benefits under the old-age and survivor insurance system; and to repeal sections 52-09-09, 52-09-10, 52-09-11, 52-09-12, and 52-09-13 of the North Dakota Century Code, relating to old-age and survivor insurance taxes.

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

HB 1076: A BILL for an Act to repeal section 15 of chapter 374 of the 1987 Session Laws, as amended by section 1 of chapter 379 of the 1989 Session Laws, section 6 of chapter 24 of the 1993 Session Laws, and section 1 of chapter 294 of the 1995 Session Laws, relating to extending the expiration date for legislation that created a temporary court of appeals.

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

HB 1081: A BILL for an Act to create and enact a new section to chapter 43-30 of the North Dakota Century Code, relating to temporary private investigative and security service licenses or registrations; and to amend and reenact sections 43-30-04, 43-30-06, and 43-30-16, of the North Dakota Century Code, relating to fees and criminal history record checks for applicants for a license or registration to provide private investigative and security services.

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

HB 1088: A BILL for an Act to amend and reenact section 43-09-14 of the North Dakota Century Code, relating to the electrician undertaking fund.

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

HB 1110: A BILL for an Act to amend and reenact subsections 1, 8, and 10 of section 57-40.3-04 of the North Dakota Century Code, relating to motor vehicle excise tax exemptions.

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

HB 1113: A BILL for an Act to amend and reenact subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to the definition of federal income tax liability for short form income tax return purposes.

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

HB 1127: A BILL for an Act to amend and reenact section 16.1-07-12.1 of the North Dakota Century Code, relating to absentee ballot precincts.

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

HB 1130: A BILL for an Act to amend and reenact sections 57-43.1-02 and 57-43.2-02 of the North Dakota Century Code, relating to the tax imposed on motor vehicle fuels and special fuels.

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

HB 1131: A BILL for an Act to amend and reenact subdivision b of subsection 4 of section 39-08-01 and section 39-08-01.3 of the North Dakota Century Code, relating to the penalties for operating a vehicle while under the influence of intoxicating liquor or drugs; and to provide a penalty.

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

HB 1145: A BILL for an Act to create and enact a new subsection to section 10-04-02 of the North Dakota Century Code, relating to viatical settlement contracts; and to amend and reenact subsections 5 and 13 of section 10-04-02 of the North Dakota Century Code, or in the alternative to amend and reenact subsections 8 and 15 of section 10-04-02 of the North Dakota Century Code, relating to viatical settlement contracts and foreign currency contracts.

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

HB 1154: A BILL for an Act to amend and reenact subsection 16 of section 10-04-06 of the North Dakota Century Code, relating to the test the waters security offering exempt transaction.

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

HB 1164: A BILL for an Act to amend and reenact section 43-23-14.1 of the North Dakota Century Code, relating to handling of funds by real estate brokers.

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

HB 1173: A BILL for an Act to amend and reenact sections 48-06-04 and 54-06-18 of the North Dakota Century Code, relating to staffing the central mailing bureau and obtaining postage meters by the office of management and budget.

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

HB 1179: A BILL for an Act to create and enact chapter 35-35 of the North Dakota Century Code, relating to the filing of nonconsensual common-law liens; and to provide a penalty.

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

HB 1182: A BILL for an Act to amend and reenact subsections 1 and 4 of section 23-07-01.1, subsection 1 of section 39-06-03.1, subsections 1, 2, and 3 of section 39-06-07.2, section 39-06-27, subsections 4, 6, and 7 of section 39-06-32, subsection 1 of section 39-06-33, and subsection 1 of section 39-20-05 of the North Dakota Century Code, relating to reporting of physical or mental disorders to the department of transportation, nondriver photo identification cards, medical advice to the director, reporting of conviction, suspension, or revocation, or failure to appear by other jurisdictions, hearings on suspension or revocation for unlawful use of licenses, and time for holding hearings.

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

HB 1184: A BILL for an Act to amend and reenact section 12.1-11-03 of the North Dakota Century Code, relating to giving false information or a false report to law enforcement officers.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3001: A concurrent resolution directing the Legislative Council to study the expansion of psychiatric and geropsychiatric training for general practice and family practice physicians at the University of North Dakota School of Medicine and Health Sciences.

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

HCR 3003: A concurrent resolution directing the Legislative Council to study the mill levy match program for senior citizens to determine if the program could be expanded to enhance home and community-based service availability.

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

HCR 3004: A concurrent resolution directing the Legislative Council to study the swing-bed process.

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

The Senate stood adjourned pursuant to Senator St. Aubyn's motion.

WILLIAM C. PARKER, Secretary