

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, January 26, 2001

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

The prayer was offered by Chaplain Clyde Leimberer, The Baptist Home, Bismarck.

The roll was called and all members were present except Senators Lee, Nething, and Tallackson.

A quorum was declared by the President.

## MOTION

**SEN. G. NELSON MOVED** that SB 2303 be returned to the Senate floor from the **Transportation Committee** and be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. G. Nelson's motion, SB 2303 was rereferred.

## CONSIDERATION OF AMENDMENTS

**SB 2046: SEN. C. NELSON (Judiciary Committee) MOVED** that the amendments on SJ page 171 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2098: SEN. T. MATHERN (Human Services Committee) MOVED** that the amendments on SJ page 172 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2117: SEN. TRENBEATH (Judiciary Committee) MOVED** that the amendments on SJ pages 172-173 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2190: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 174 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2196: SEN. WATNE (Judiciary Committee) MOVED** that the amendments on SJ page 175 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2206: SEN. EVERY (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 175 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2138: SEN. ERBELE (Human Services Committee) MOVED** that the amendments on SJ pages 173-174 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2138 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2138:** A BILL for an Act to amend and reenact sections 23-32-01 and 23-32-03 of the North Dakota Century Code, relating to plastic products degradation and labeling; and to repeal sections 23-32-02 and 23-32-04 of the North Dakota Century Code, relating to plastic products degradation and labeling.

**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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Lee; Nothing; Tallackson

Engrossed SB 2138 passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2010, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2112:** A BILL for an Act to authorize the department of transportation to borrow funds to respond to disasters; to provide an appropriation; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Lee; Nothing; Tallackson

Engrossed SB 2112 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2187:** A BILL for an Act to create and enact a new chapter to title 59 of the North Dakota Century Code, relating to trusts for individuals with disabilities.

**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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Lee; Nothing; Tallackson

Engrossed SB 2187 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2208:** A BILL for an Act to amend and reenact section 43-23-12.2 of the North Dakota Century Code, relating to the duties and liabilities of real estate brokerage firms and clients.

**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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Lee; Nothing; Tallackson

Engrossed SB 2208 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2242:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax exemption for individuals under thirty years of age; and to provide an effective date.

**MOTION**

**SEN. KROEPLIN MOVED** that Engrossed SB 2242 be amended as follows:

Page 2, line 2, replace "2000" with "2002"

Renumber accordingly

**REQUEST**

**SEN. HEITKAMP REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2242, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the proposed amendments to Engrossed SB 2242, the roll was called and there were 18 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Every; Grindberg; Heitkamp; Holmberg; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Tomac

**NAYS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Kilzer; Klein; Krebsbach; Kringstad; Lyson; Mutch; Nelson, G.; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Lee; Nothing; Tallackson

The proposed amendments to Engrossed SB 2242 failed.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 33 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Every; Grindberg; Kelsh; Krauter; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Tomac

**NAYS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mutch; Nelson, G.; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Lee; Nothing; Tallackson

Engrossed SB 2242 lost.

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**SECOND READING OF SENATE BILL**

**SB 2047:** A BILL for an Act to amend and reenact section 14-09-05.1 of the North Dakota Century Code, relating to grandparental rights of visitation of unmarried minors.

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

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

**ABSENT AND NOT VOTING:** Lee; Nothing; Tallackson

SB 2047 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2087:** A BILL for an Act to amend and reenact section 39-32-02 of the North Dakota Century Code, relating to intrastate exemptions from federal hours of service provisions for intrastate drivers.

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

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

**ABSENT AND NOT VOTING:** Lee; Nothing; Tallackson

SB 2087 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2088:** A BILL for an Act to create and enact two new subsections to section 39-06.1-06 of the North Dakota Century Code, relating to fees for traffic offenses; to amend and reenact sections 39-06.1-05, 39-06.1-07, 39-06.1-09, and 39-06.1-10, subdivision g of subsection 2 of section 39-07-09, and subsections 1 and 2 of section 39-21-46 of the North Dakota Century Code, relating to traffic offenses; and to provide penalties.

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

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

**ABSENT AND NOT VOTING:** Lee; Nething; Tallackson

SB 2088 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2149:** A BILL for an Act to provide for curricula aligned to content standards in all schools; to amend and reenact section 15.1-06-06 of the North Dakota Century Code, relating to the approval of schools; and to repeal sections 15-38-07, 15-38-08, 15-38-09, 15-38-10, 15-38-11, and 15-38-12 of the North Dakota Century Code, relating to required school curricula.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 42 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Espegard; Polovitz

**NAYS:** Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Lee; Mutch; Nething; Tallackson

SB 2149 lost.

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#### REQUEST

**SEN. ESPEGARD REQUESTED** that the record reflect he intended to vote NAY on SB 2149, which request was granted.

#### REQUEST

**SEN. ANDRIST REQUESTED** that the record reflect he intended to vote NAY on SB 2149, which request was granted.

#### REQUEST

**SEN. POLOVITZ REQUESTED** that the record reflect he intended to vote NAY on SB 2149, which request was granted.

#### SECOND READING OF SENATE BILL

**SB 2169:** A BILL for an Act to amend and reenact sections 4-09-03.1 and 4-09-20.2 of the North Dakota Century Code, relating to the composition of and petitions to the state seed arbitration board.

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

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

**ABSENT AND NOT VOTING:** Lee; Nething; Tallackson

SB 2169 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 sections 4-24-09 and 4-24-10 of the North Dakota Century Code, relating to the dry pea and lentil assessment fund.

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

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

**ABSENT AND NOT VOTING:** Lee; Nothing; Tallackson

SB 2171 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2212:** A BILL for an Act to amend and reenact section 1 of chapter 648 of the 1989 Session Laws and section 1 of chapter 562 of the 1991 Session Laws, relating to the sale of state land to Burleigh County.

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Christenson; Lee; Nothing; Tallackson

SB 2212 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2219:** A BILL for an Act to amend and reenact section 25-03.1-11 of the North Dakota Century Code, relating to involuntary treatment and commitment procedures.

**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 19 YEAS, 27 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Every; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Thane; Tomac

**NAYS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lyson; Nelson, G.; Solberg; Stenehjem; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Lee; Nothing; Tallackson

SB 2219 lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3005:** A concurrent resolution directing the Legislative Council to study the fees and point demerits for traffic offenses.

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

HCR 3005 was declared adopted, and the title was agreed to on a voice vote.

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**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on January 26, 2001: SB 2048.

**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 2050.

**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 2005, SB 2006, SB 2018, SB 2041, SB 2073, SB 2139, SB 2168, SB 2218, SB 2226, SCR 4002.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1038, HB 1059, HB 1063.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed: SB 2137.

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, January 29, 2001, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2026: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2026 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2057: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2057 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2063: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2063 was placed on the Sixth order on the calendar.

Page 2, line 16, after "available" insert "for inspection at the commissioner's office", replace "a" with "no more than two", and replace "member" with "members"

Page 2, line 21, replace "obtained" with "acquired"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2068: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2068 was placed on the Sixth order on the calendar.

Page 1, line 8, after "acres" insert "if the value of the inundated land exceeds ten percent of the average agricultural value of noncropland for the county,"

Page 1, line 10, replace "three" with "two"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2074: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2074 was placed on the Sixth order on the calendar.

Page 2, line 11, remove "or is about to engage"

Page 3, line 5, remove "or is about to engage"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2104: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2104 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 15 of section 4-09-01,"

Page 1, remove lines 5 through 8

Page 3, line 2, remove "as of July 1, 2001"

Page 3, overstrike line 28

Page 3, line 29, overstrike "section 4-09-14.3."

Page 5, line 6, after "Establish" insert ", with the approval of the state seed commission,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2140: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2140 was placed on the Sixth order on the calendar.

Page 1, line 6, remove the overstrike over "~~in an institutional setting~~"

Page 1, line 9, remove the overstrike over "~~An institutional setting, for the purpose of this~~"

Page 1, line 10, remove the overstrike over "~~section, is a hospital,~~" and insert immediately thereafter "a physician clinic,", remove the overstrike over "~~a skilled nursing facility, or a swing bed facility,~~" and remove "This practice"

Page 1, line 11, remove "may only take place in a location"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2150: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2150 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with "to amend and reenact subdivision a of subsection 16 of section 10-04-02 of the North Dakota Century Code, relating to viatical settlement contracts;"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Subdivision a of subsection 16 of section 10-04-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:



- a. The assignment, transfer, sale, devise, or bequest of a death benefit, life insurance policy, or certificate of insurance by the viator to the viatical settlement provider pursuant to chapter ~~26.1-33.1~~ 26.1-33.2;"

Page 1, underscore lines 7 through 24

Page 2, underscore lines 1 through 29

Page 3, underscore lines 1 through 31

Page 4, underscore lines 1 through 30

Page 5, underscore lines 1 through 31

Page 6, underscore lines 1 through 29

Page 7, underscore lines 1 through 31

Page 8, underscore lines 1 through 29

Page 9, underscore lines 1 through 22

Page 9, line 23, underscore "1. Each", replace "licensee" with "viatical settlement provider", and underscore "shall file with the commissioner on or before March first of each year"

Page 9, underscore lines 24 through 31

Page 10, underscore lines 1 through 11

Page 10, line 12, underscore "viatical settlement broker, insurance company, insurance producer," and remove the third "insurance"

Page 10, line 13, remove "broker," and underscore "information bureau, rating agency, or company, or any other person with"

Page 10, underscore lines 14 through 31

Page 11, underscore lines 1 through 6

Page 11, line 7, underscore "2. a. Names and individual identification data for all viators are" and remove "not subject to"

Page 11, line 8, remove "section 44-04-18 and are private and" and underscore "confidential information and may not be"

Page 11, underscore lines 9 through 28

Page 11, line 29, underscore "e. The viator has the right to rescind a viatical settlement contract", after "contract" insert "within thirty days from the date of the contract or fifteen calendar days after receipt of the viatical settlement proceeds by the viator, whichever is earlier,", and underscore "as provided in"

Page 11, underscore lines 30 and 31

Page 12, underscore lines 1 through 31

Page 13, underscore lines 1 through 30

Page 14, underscore lines 1 through 31

Page 15, underscore lines 1 through 3

Page 15, line 4, underscore "proceeds", after "proceeds" insert ", and any premiums, loans, and loan interest that have been paid by the viatical settlement provider", and underscore the period

Page 15, underscore lines 5 through 31

Page 16, underscore lines 1 through 5

Page 16, after line 5, insert:

"7. Every viatical settlement licensee shall establish and at all times maintain a system of control over the content, form, and method of dissemination of all advertisements of its contracts, products, and services. All advertisements are the responsibility of the viatical settlement licensee, as well as the individual who created or presented the advertisement. Advertisements must be truthful and not misleading in fact or by implication."

Page 16, underscore lines 6 through 9

Page 16, line 10, underscore "1. The policy was issued upon the", replace "owner's" with "viator's", and underscore "exercise of conversion rights arising out of"

Page 16, line 11, underscore "a group", after "group" insert "or individual", underscore "policy", and replace the semicolon with ", if the total of the time covered under the conversion policy plus the time covered under the prior policy is at least twenty-four months. The time covered under a group policy must be calculated without regard to any change in insurance carriers, if the coverage has been continuous and under the same group sponsorship."

Page 16, line 13, underscore "26 U.S.C. 501(c)(3)" and replace the semicolon with an underscored period

Page 16, underscore line 14

Page 16, line 15, underscore "liability company, or partnership" and replace the semicolon with an underscored period

Page 16, underscore lines 16 through 30

Page 17, underscore lines 1 through 5

Page 17, line 6, underscore "or insured's assets;" and after the semicolon insert "or"

Page 17, underscore lines 7 and 8

Page 17, line 9, underscore "reasonable ability to pay the policy premium" and replace "; or" with an underscored period

Page 17, line 10, replace "(9)" with "b." and underscore "The independent evidence must be submitted to the insurer when the"

Page 17, underscore lines 11 through 21

Page 17, remove lines 22 through 27

Page 17, underscore lines 28 through 31

Page 18, underscore lines 1 through 30

Page 18, line 31, underscore "settlement acts are", remove "private and", underscore "confidential", and remove "and are not subject to section 6 of"

Page 19, line 1, remove "article XI of the Constitution of North Dakota or section 44-04-18" and underscore "and are not"

Page 19, underscore lines 2 through 18

Page 19, line 19, underscore "f. Antifraud plans submitted to the commissioner are", remove "privileged and", and underscore "confidential"

Page 19, line 20, remove "and are not subject to section 44-04-18" and underscore "and are not subject to discovery or"

Page 19, underscore lines 21 through 31

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2152: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2152 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2188: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2188 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2192: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 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: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2194 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2197: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2197 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2199: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2199 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2215: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2215 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2222: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2222 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2223: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2223 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2225: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2225 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2228: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2228 was placed on the Sixth order on the calendar.

Page 4, line 26, overstrike "ten" and insert immediately thereafter "fifteen"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2235: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2235 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2236: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2236 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2244: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2244 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1050: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1050 was placed on the Sixth order on the calendar.

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

Page 1, after line 12, insert:

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1169: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1169 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3004: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3004 was placed on the Fourteenth order on the calendar.

**FIRST READING OF SENATE BILLS**

Sens. Espeguard, Grindberg and Reps. Kretschmar, Maragos introduced:

**SB 2375:** A BILL for an Act to create and enact a new section to title 48 of the North Dakota Century Code, relating to limitations on governing bodies requiring directed suretyship bonds; and to provide a penalty.

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

Sens. Nichols, Lyson and Reps. Glassheim, Pietsch introduced:

**SB 2376:** A BILL for an Act to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to deer hunting; and to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to the hunting of deer with muzzleloading firearms.

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

Sens. Krauter, G. Nelson and Reps. Belter, Boucher, Froelich introduced:

**SB 2377:** A BILL for an Act to amend and reenact section 20.1-02-01 of the North Dakota Century Code, relating to the appointment and confirmation of the director of the game and fish department.

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

Sens. Erbele, O'Connell and Reps. R. Kelsch, Porter introduced:

**SB 2378:** A BILL for an Act to create and enact section 39-10-73 of the North Dakota Century Code, relating to passengers in a vehicle; and to amend and reenact section 39-06.1-08 of the North Dakota Century Code, relating to nonmoving violations.

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

Sens. Bowman, G. Nelson, Wanzek and Reps. Belter, Pietsch introduced:

**SB 2379:** A BILL for an Act to provide for a value-added agriculture entrepreneur program.

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

Sens. Holmberg, Heitkamp, Schobinger and Reps. Delmore, Devlin, Price introduced:

**SB 2380:** A BILL for an Act to establish a youth smoking prevention commission; to provide an appropriation; and to declare an emergency.

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

Sens. Klein, Thane and Reps. Berg, Mahoney, Schmidt introduced:

**SB 2381:** A BILL for an Act to amend and reenact section 53-06.2-10.1 of the North Dakota Century Code, relating to simulcast wagering.

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

Sens. Thane, Tallackson, Trenbeath and Reps. Brandenburg, Nicholas, Nottestad introduced:  
**SB 2382:** A BILL for an Act to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to a credit for alternative energy devices on the short-form income tax return; and to provide an effective date.  
Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Traynor, Solberg, Trenbeath introduced:  
**SB 2383:** A BILL for an Act to amend and reenact section 27-09.1-14 of the North Dakota Century Code, relating to the compensation of jurors.  
Was read the first time and referred to the **Judiciary Committee**.

Sen. Watne introduced:  
**SB 2384:** A BILL for an Act to amend and reenact section 50-25.1-05 of the North Dakota Century Code, relating to notification of child abuse and neglect assessments.  
Was read the first time and referred to the **Judiciary Committee**.

Sens. Krauter, Every, D. Mathern and Reps. Ekstrom, S. Kelsh introduced:  
**SB 2385:** A BILL for an Act to amend and reenact sections 6-09.13-05 and 6-09.14-03 of the North Dakota Century Code, relating to agriculture partnership in assisting community expansion loans and partnership in assisting community expansion loans.  
Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Kroeplin, Erbele and Reps. Brandenburg, Kerzman introduced:  
**SB 2386:** A BILL for an Act to create and enact a new subsection to section 57-38-30.3 and chapter 57-38.6 of the North Dakota Century Code, relating to an agricultural cooperative investment income tax credit; and to provide an effective date.  
Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Nichols, Andrist, Robinson and Reps. Mueller, Solberg introduced:  
**SB 2387:** A BILL for an Act to provide an appropriation for marketing clubs.  
Was read the first time and referred to the **Appropriations Committee**.

Sens. Traynor, G. Nelson and Reps. Belter, D. Johnson, Porter introduced:  
**SB 2388:** A BILL for an Act to amend and reenact subsection 2 of section 47-05-02.1 of the North Dakota Century Code, relating to duration of easements.  
Was read the first time and referred to the **Natural Resources Committee**.

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Krauter, G. Nelson, Robinson and Reps. Boucher, Niemeier, Sandvig introduced:  
**SCR 4014:** A concurrent resolution directing the Legislative Council to study the adoption laws of this state and other states.  
Was read the first time and referred to the **Human Services Committee**.

#### FIRST READING OF HOUSE BILLS

**HB 1038:** A BILL for an Act to create and enact a new section to chapter 25-06 of the North Dakota Century Code, relating to definitions; to amend and reenact sections 25-06-01, 25-06-02, and 25-06-05 of the North Dakota Century Code, relating to the name of the school for the blind, duties of the school for the blind, and services to nonresidents; and to repeal sections 25-06-04, 25-06-07, and 25-06-09 of the North Dakota Century Code, relating to qualifications for admission, instruction at the school for the blind, and duty to report blind persons.  
Was read the first time and referred to the **Human Services Committee**.

**HB 1059:** A BILL for an Act to amend and reenact subsection 4 of section 57-02-08.1 of the North Dakota Century Code, relating to determination of medical care transportation expenses for purposes of the homestead property tax credit for senior citizens; and to provide an effective date.  
Was read the first time and referred to the **Finance and Taxation Committee**.

**HB 1063:** A BILL for an Act to amend and reenact sections 57-36-09.4, 57-38-60.2, 57-39.2-15.2, 57-40.2-15.1, 57-40.2-15.2, 57-43.1-17.3, 57-43.2-16.2, and 57-43.3-21 of the North Dakota Century Code, relating to the personal liability of members in a member-controlled limited liability company for unpaid tobacco products, income withholding, sales or use, motor vehicle fuel, importer for use, special fuels, and aviation fuel taxes; and to provide an effective date.  
Was read the first time and referred to the **Finance and Taxation Committee**.

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

