

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

* * * * *

Bismarck, January 14, 1999

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

The prayer was offered by Pastor Scott Sheets, Bismarck Alliance Church, 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 1066, HB 1075, HB 1112, HB 1137, HB 1160.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3012.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3012: A concurrent resolution designating House and Senate employment positions and fixing compensation.

Was read the first time.

MOTION

SEN. ST. AUBYN MOVED that the rules be suspended, that HCR 3012 not be printed, not be referred to committee, not be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Reps. R. Kelsch, Carlisle, Boehm, Hanson, Sandvig and Sen. Naaden introduced:

HOUSE CONCURRENT RESOLUTION NO. 3012

A concurrent resolution designating House and Senate employment positions and fixing compensation.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That for the Fifty-sixth Legislative Assembly, the following positions are designated as employee positions of the House and Senate and are to be paid the wages indicated:

	HOUSE	
Chief Clerk		\$102.00
Assistant chief clerk		86.00
Desk reporter		96.00
Sergeant-at-arms		80.00
Bill clerk		80.00
Secretary to majority leader		94.00
Staff assistant to majority leader		80.00
Secretary to minority leader		94.00
Staff assistant to minority leader		80.00
Secretary to Speaker		80.00
Chief committee clerk		94.00
Appropriations Committee clerk		94.00
Assistant Appropriations Committee clerk		90.00
Committee clerk for three-day committee		90.00
Committee clerk for two-day committee		84.00
Assistant committee clerk		74.00
Deputy sergeant-at-arms		66.00
Chief page and bill book clerk		72.00
Calendar clerk		80.00
Telephone attendant		64.00
Legislative assistant		62.00

SENATE

Secretary of the Senate	\$102.00
Assistant secretary of the Senate	86.00
Desk reporter	96.00
Bill clerk	80.00
Sergeant-at-arms	80.00
Secretary to majority leader	94.00
Staff assistant to majority leader	80.00
Secretary to minority leader	94.00
Staff assistant to minority leader	80.00
Chief committee clerk	94.00
Appropriations Committee clerk	94.00
Assistant Appropriations Committee clerk	90.00
Committee clerk for three-day committee	90.00
Committee clerk for two-day committee	84.00
Assistant committee clerk	74.00
Payroll clerk	76.00
Deputy sergeant-at-arms	66.00
Chief page and bill book clerk	73.00
Calendar clerk	80.00
Chief telephone attendant	76.00
Telephone attendant	64.00
Legislative assistant	62.00

BE IT FURTHER RESOLVED, that each employee of the Fifty-sixth Legislative Assembly is entitled to an additional \$1 per day for each previous regular session of the Legislative Assembly during which that employee was paid for at least 45 days, as either an employee of the House or the Senate, and to receive this additional compensation, which may not exceed \$10 per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and

BE IT FURTHER RESOLVED, that each majority leader and each minority leader is entitled to two staff assistants, but each majority or minority leader may hire fewer or more assistants so long as the total daily compensation for the assistants hired does not exceed the total daily amount authorized for those positions by this resolution; and

BE IT FURTHER RESOLVED, that the report of the Employment Committee of the respective house identify the number of employees in each position by listing every employee and the position for which employed; and

BE IT FURTHER RESOLVED, that with the approval of the Employment Committee of the respective house, a position may be converted to a part-time position, with the daily compensation converted to a per hour rate of pay; and

BE IT FURTHER RESOLVED, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided by this resolution for that employee ceases effective the last day of employment.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3012: A concurrent resolution designating House and Senate employment positions and fixing compensation.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, 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

HCR 3012 was declared adopted on a recorded roll call vote.

MOTION

SEN. ST. AUBYN MOVED that the rules be suspended and HCR 3012 be messaged to the House immediately, which motion prevailed.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HCR 3012.

CONSIDERATION OF AMENDMENTS

SB 2027: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ page 69 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2075: SEN. COOK (Education Committee) MOVED that the amendments on SJ page 69 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2099: SEN. WARDNER (Finance and Taxation Committee) MOVED that the amendments on SJ page 69 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2129: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 69-70 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2141: SEN. WANZEK (Education Committee) MOVED that the amendments on SJ page 70 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2148: SEN. BERCIER (Judiciary Committee) MOVED that the amendments on SJ page 70 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2088: A BILL for an Act to amend and reenact sections 15-04-09, 15-04-10, 15-06-26, and 15-07-20 of the North Dakota Century Code, relating to leasing and sale of school trust lands.

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, 3 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; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Krebsbach; Solberg; Tomac

SB 2088 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2101: A BILL for an Act to amend and reenact section 57-34-05 of the North Dakota Century Code, relating to distribution of the telecommunication carriers tax; to provide an effective date; and to declare an emergency.

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 2101 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2134: A BILL for an Act to amend and reenact section 15-02-02 of the North Dakota Century Code, relating to the term of office of the commissioner of university and school lands; 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

SB 2134 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2142: A BILL for an Act to amend and reenact section 15-41-25 of the North Dakota Century Code, relating to teaching high school courses under previously granted minor equivalency authority.

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 2142 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2149: A BILL for an Act to amend and reenact sections 43-07-04, 43-07-09, 43-07-10, 43-07-17, 43-07-18, and 43-07-19 of the North Dakota Century Code, relating to licensing of contractors, revoking a contractor's license, appointing an agent for service of process for a nonresident contractor, and civil 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 48 YEAS, 1 NAY, 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, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Stenehjem, B.

SB 2149 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2152: A BILL for an Act to create and enact chapter 14-14.1 of the North Dakota Century Code, relating to the Uniform Child Custody Jurisdiction and Enforcement Act; and to repeal chapter 14-14 of the North Dakota Century Code, relating to the Uniform Child Custody Jurisdiction Act.

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 2152 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2176: A BILL for an Act to amend and reenact subsection 20 of section 19-02.1-01, subsection 4 of section 19-03.1-11, subsections 3 and 4 of section 19-03.1-22, subsection 24 of section 43-15-01, sections 43-15-18, 43-15-31.3, and subsection 6 of section 43-15-35 of the North Dakota Century Code, relating to controlled substance regulation and the practice of pharmacy in North Dakota; and to repeal section 43-15-33 of the North Dakota Century Code, relating to sale of emergency medicines.

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 2176 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2183: A BILL for an Act to create and enact three new sections to chapter 16.1-11.1 and a new subdivision to subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to special statewide elections being conducted by mail, agents receiving mail ballots on behalf of electors, and casting ballots by mail; and to amend and reenact sections 16.1-11.1-01, 16.1-11.1-02, 16.1-11.1-04, and 16.1-11.1-06 of the North Dakota Century Code, relating to mail ballot elections for general and special elections and mail ballot procedures.

MOTION

SEN. G. NELSON MOVED that the question be put at 2:22 p.m., which motion prevailed.

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 13 YEAS, 36 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Grindberg; Krebsbach; Kringstad; Lee; Mathern, T.; Nelson, C.; Stenehjem, W.; Tallackson; Thompson; Traynor; Urlacher; Watne

NAYS: Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kroeplin; Lindaas; Lyson; Mathern, D.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Thane; Tomac; Wanzek; Wardner

SB 2183 lost.

MOTION

SEN. ST. AUBYN MOVED that SB 2185 be returned to the Senate floor from the **Government and Veterans Affairs Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. St. Aubyn's motion, SB 2185 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 2051, SB 2090, SB 2098, SB 2100, SB 2112.

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 12:00 p.m., Friday, January 15, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2032: 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 2032 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2033: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2033 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2034: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2034 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2035: 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 2035 was placed on the Sixth order on the calendar.

Page 1, line 22, replace "the licensed" with "admission to"

Page 1, line 23, remove "capacity of a unit within"

Page 1, line 24, replace "not exceed fourteen beds" with "only be granted after the state hospital has performed an evaluation of the individual being admitted"

Page 2, line 2, replace "geopsychiatric" with "geropsychiatric"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2038: 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 2038 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2049: 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 2049 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "an employee of"

Page 1, line 9, replace "shall" with "may" and replace "and examine the contents in the presence of" with "for"

Page 1, line 10, remove "that" and after "the" insert "following"

Page 1, line 11, remove "individual believes"

Page 1, line 14, remove "and"

Page 1, line 19, replace "obtain" with "make" and after "box" insert "; and"

- c. There has been no application for or appointment of a personal representative or administrator for the decedent's estate"

Page 1, line 23, replace the colon with "the lessee's key or combination is not available."

Page 1, remove line 24

Page 2, remove lines 1 through 3

Page 2, remove lines 13 through 31

Page 3, remove lines 1 through 11

Page 3, line 12, replace "8." with "5."

Page 3, line 22, replace "9." with "6."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2057: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2057 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "commission" with "attorney general"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2062: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2062 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2102: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2102 was placed on the Sixth order on the calendar.

Page 3, after line 27, insert:

- "f. If a deficiency is determined for a tax period for which there was an overpayment of estimated tax that was refunded, interest accrues, with respect to the amount of the deficiency which is equal to or less than the amount of the overpayment of estimated tax refunded, from the date of payment of the refund."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2119: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2119 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "sections 35-17-08, 35-29-05, 35-30-06, 35-31-06, and"

Page 1, line 2, remove "central index" and after "state" insert "and county register of deeds"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 35-17-08 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

35-17-08. Fees - Penalty. The fee for filing an agister's lien with the secretary of state or the county register of deeds is ~~five~~ ten dollars. The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid. The fee for filing an amendment or assignment of an agister's lien is ~~five~~ ten dollars. If a lienholder fails to file a termination statement within sixty days after the lien is satisfied, the lienholder is liable to the debtor for one hundred dollars.

SECTION 2. AMENDMENT. Section 35-29-05 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

35-29-05. Fees.

1. The fee for filing and indexing each notice of lien is:
 - a. For a lien on real estate, five dollars, plus two dollars for the second and each succeeding page.
 - b. For a lien on tangible and intangible personal property, ~~five~~ ten dollars.
 - c. For a certificate of discharge or subordination, ~~five~~ ten dollars.
 - d. For a nonstandard statement when presented for filing, an additional fee of five dollars plus one dollar per page.
 - e. For all other notices, including a certificate of release or nonattachment, five dollars.
2. The officer may not file or record an instrument under this chapter unless the person offering the instrument for filing or recording has first paid the requisite filing or recording fee.

SECTION 3. AMENDMENT. Section 35-30-06 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

35-30-06. Fees - Penalty. The fee for filing an agricultural processor's lien with the secretary of state or the county register of deeds is ~~five~~ ten dollars. The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid. The fee for filing an amendment or assignment of an agricultural processor's lien is ~~five~~ ten dollars. If a lienholder fails to file a termination statement within sixty days after the lien has been satisfied, the lienholder is liable to the debtor for one hundred dollars.

SECTION 4. AMENDMENT. Section 35-31-06 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

35-31-06. Fees - Penalty. The fee for filing an agricultural supplier's lien with the secretary of state or the county register of deeds is ~~five~~ ten dollars. The fee for filing a termination statement is five dollars. The termination fee must be paid at the time the fee for filing the lien is paid. The fee for filing an amendment or assignment of an agricultural supplier's lien is ~~five~~ ten dollars. If a lienholder fails to file a termination statement within sixty days after the lien has been satisfied, the lienholder is liable to the debtor for one hundred dollars."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2120: 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 2120 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 16.1-10-04.1 and" with "section"

Page 1, line 2, remove "disclosure requirements for political advertisements and to"

Page 1, remove lines 5 through 24

Page 2, remove lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2137: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2137 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2155: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2155 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sen. Cook and Reps. R. Kelsch, Porter introduced:

SB 2233: A BILL for an Act to amend and reenact sections 39-06-03.1, 39-06-14, and 39-06-19 of the North Dakota Century Code, relating to the photograph background for operator's licenses and identification cards.

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

Sens. Wanzek, Christmann, Heitkamp and Reps. Nelson, Nichols introduced:

SB 2234: A BILL for an Act to amend and reenact section 49-21-06 of the North Dakota Century Code, relating to telecommunications prices; and to provide an expiration date.

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

Sens. Freborg, W. Stenehjem and Reps. Aarsvold, Monson introduced:

SB 2235: A BILL for an Act to amend and reenact section 15-47-15 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-09-34 of the North Dakota Century Code, relating to bidding for school district employee group health plans; and to provide a penalty.

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

Sens. Kroeplin, Klein, Kinnoin and Reps. DeKrey, Mahoney, Nelson introduced:

SB 2236: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for office furniture and computer and telecommunications equipment in a new or expanding primary sector business; and to provide an effective date.

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

Sens. DeMers, Wardner and Reps. Gorder, Winrich introduced:

SB 2237: A BILL for an Act to create and enact two new sections to chapter 54-06 of the North Dakota Century Code, relating to public employee emergency services volunteers.

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

Sens. Kroeplin, O'Connell, Wardner and Reps. D. Johnson, Mahoney introduced:

SB 2238: A BILL for an Act to amend and reenact section 58-06-04 of the North Dakota Century Code, relating to emergency meetings of boards of township supervisors.

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

Sens. C. Nelson, Wardner and Reps. Maragos, Stefonowicz introduced:

SB 2239: A BILL for an Act to amend and reenact section 15-39.1-19.1 of the North Dakota Century Code, relating to participation by retired persons who have resumed teaching in the teachers' fund for retirement; to provide an effective date; and to provide an expiration date.

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

Sens. Lee, B. Stenehjem, DeMers and Reps. Carlson, Poolman introduced:

SB 2240: A BILL for an Act to amend and reenact section 5-01-05.1 of the North Dakota Century Code, relating to public intoxication.

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

Sens. Flakoll, Krebsbach, T. Mathern and Reps. Fairfield, Martinson, Wald introduced:

SB 2241: A BILL for an Act to amend and reenact subsection 3 of section 28-22-03.1 of the North Dakota Century Code, relating to the absolute exemption of Roth individual retirement accounts in process, levy, and sale proceedings.

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

Sens. Holmberg, Grindberg, St. Aubyn and Reps. Mickelson, Poolman introduced:

SB 2242: A BILL for an Act to provide for a beginning entrepreneur loan guarantee program; and to provide an appropriation.

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

Sens. Wardner, Kinnoin, Lyson and Reps. Glassheim, Nottestad, L. Thoreson introduced:

SB 2243: A BILL for an Act to create and enact a new section to chapter 47-19 of the North Dakota Century Code, relating to recording the drafter of an instrument affecting real property.

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

Sens. Solberg, Klein and Reps. Aarsvold, Brusegaard, D. Johnson introduced:

SB 2244: A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to beer and wine licenses for bed and breakfast facilities.

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

Sens. Andrist, Freborg, Wanzek and Rep. Devlin introduced:

SB 2245: A BILL for an Act to amend and reenact sections 15-40.1-09 and 15-47-33 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to school holidays; and to repeal sections 15-38-04.1 and 15.1-06-02 of the North Dakota Century Code, relating to mandatory school holidays.

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

Sens. Andrist, Flakoll and Reps. Devlin, Kerzman, Wentz introduced:

SB 2246: A BILL for an Act to amend and reenact sections 40-24-16, 57-20-07.1, 57-20-08, and subsection 2 of section 57-22-21 of the North Dakota Century Code, relating to property tax receipts; and to provide an effective date.

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

Sen. Christmann and Rep. Henegar introduced:

SB 2247: A BILL for an Act to amend and reenact section 20.1-05-06 of the North Dakota Century Code, relating to orange garment requirements for hunting deer with muzzle-loading firearms.

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

Sens. Kinnoin, Lee and Reps. Delmore, Huether introduced:

SB 2248: A BILL for an Act to repeal section 11-10-05.1 of the North Dakota Century Code, relating to commencement of terms of county commissioners.

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

FIRST READING OF HOUSE BILLS

HB 1066: A BILL for an Act to amend and reenact section 54-10-01 of the North Dakota Century Code, relating to the authority of the state auditor to conduct audits of the international peace garden.

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

HB 1075: A BILL for an Act to create and enact two new sections to chapter 43-34 of the North Dakota Century Code, relating to continuing education requirements and provisional licenses for nursing home administrators; to amend and reenact sections 43-34-03, 43-34-10, and 43-34-12 of the North Dakota Century Code, relating to licensure of nursing home administrators; and to repeal section 43-34-11 of the North Dakota Century Code, relating to nursing home administrator emergency licenses.

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

HB 1112: A BILL for an Act to amend and reenact subsection 9 of section 57-38-60 of the North Dakota Century Code, relating to bond requirements for income tax withholding purposes.

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

HB 1137: A BILL for an Act to amend and reenact sections 13-03.1-05, 13-04.1-04, and 13-05-04 of the North Dakota Century Code, relating to consumer finance company, money broker, and collection agency annual fees and licenses.

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

HB 1160: A BILL for an Act to amend and reenact sections 13-04.1-05 and 13-05-05 of the North Dakota Century Code, relating to sale and transfer of money broker and collection agency licenses.

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

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

WILLIAM C. PARKER, Secretary