

**JOURNAL OF THE SENATE**

**Fifty-seventh Legislative Assembly**

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**Bismarck, March 9, 2001**

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

The prayer was offered by Chaplain Colleen Ressler, St. Vincent's Care Center, Bismarck.

The roll was called and all members were present except Senators Bercier and Lee.

A quorum was declared by the President.

**CONSIDERATION OF AMENDMENTS**

**HB 1208, as reengrossed: SEN. WATNE (Judiciary Committee) MOVED** that the amendments on SJ page 742 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1218: SEN. C. NELSON (Judiciary Committee) MOVED** that the amendments on SJ page 743 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended, and that after action taken on the Sixth order, all House Bills on that order be placed on the Fourteenth order, as amended, and SCR 4036 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1028, as engrossed: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ pages 740-741 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1028:** A BILL for an Act to amend and reenact section 28-32-03 of the North Dakota Century Code, relating to authorization by the administrative rules committee before administrative rules may be effective on an emergency basis; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espeguard; 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.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1028, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1047: SEN. DEVER (Judiciary Committee) MOVED** that the amendments on SJ page 741 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1047:** A BILL for an Act to amend and reenact section 16.1-05-06 of the North Dakota Century Code, relating to challenging the right of a person to vote.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Mathern, T.

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1047, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1059: SEN. NICHOLS (Finance and Taxation Committee) MOVED** that the amendments on SJ page 741 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**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.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1059, as amended, passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed HB 1398, which is on the Sixth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1398 was rereferred.

**MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed HB 1413, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1413 was rereferred.

**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1166 be returned to the Senate floor from the **Appropriations Committee**, and placed on Fourteenth order for the succeeding legislative day, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that HCR 3029, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1142: SEN. CHRISTENSON (Education Committee) MOVED** that the amendments on SJ pages 741-742 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1142:** A BILL for an Act to amend and reenact subsection 2 of section 15-59-01 of the North Dakota Century Code or in the alternative to amend and reenact subsection 4 of section 15.1-32-01 of the North Dakota Century Code, relating to the definition of a child or student with disabilities.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1142, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1363, as engrossed: SEN. LYSON (Judiciary Committee) MOVED** that the amendments on SJ page 743 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1363:** A BILL for an Act to create and enact a new subsection to section 12.1-17-01 of the North Dakota Century Code, relating to a mandatory assessment process for simple assault in domestic violence cases; to amend and reenact subsection 2 of section 12.1-17-01 and subsection 1 of section 12.1-32-07 of the North Dakota Century Code, relating to the penalty for assault in a domestic violence case and supervision of probation; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Stenehjem

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1363, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1405: SEN. KROEPLIN (Finance and Taxation Committee) MOVED** that the amendments on SJ page 744 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1405:** A BILL for an Act to amend and reenact subsection 23 of section 57-15-06.7, subsection 7 of section 57-15-20.2, sections 57-15-26.5, and 57-15-51 of the North Dakota Century Code, relating to the county, city, township, and rural ambulance service district tax levy limitation for ambulance services; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Stenehjem; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Solberg; Tomac

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1405, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SCR 4036: SEN. KILZER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 740 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4036:** A concurrent resolution for the amendment of section 2 of article V, section 3 of article IX, and sections 12 and 25 of article X of the Constitution of North Dakota, relating to the office of state treasurer; to repeal section 15 of article XII of the Constitution of North Dakota, relating to the duties of the state treasurer upon the issuance of legal tender by banks in the state; and to provide an effective date.

#### ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 26 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Christenson; Every; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Thane; Tomac; Traynor; Urlacher

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed SCR 4036 was declared adopted, and the title was agreed to on a roll call vote.

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#### SECOND READING OF HOUSE BILL

**HB 1027:** A BILL for an Act to amend and reenact subsection 3 of section 28-32-02 of the North Dakota Century Code or in the alternative to amend and reenact section 28-32-11 of the North Dakota Century Code, relating to agency procedures to notify interested parties of when rules adopted by the agency will be considered by the administrative rules committee; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1027 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1044:** A BILL for an Act to amend and reenact sections 12-47-36 and 12-59-04 of the North Dakota Century Code, relating to open records and parole records of the department of corrections and rehabilitation; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1044 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1186:** A BILL for an Act to amend and reenact section 24-02-03.3 of the North Dakota Century Code, relating to mileage reimbursement rates for disabled state employees driving specially equipped vehicles.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1186 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1225:** A BILL for an Act to amend and reenact section 15-38-18.2 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-13-14 of the North Dakota Century Code, relating to background checks for teacher licensure applicants.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1225 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1392:** A BILL for an Act to amend and reenact subsection 4 of section 57-39.2-04 of the North Dakota Century Code, relating to sales tax application to educational, religious, or charitable activities held in a publicly owned facility; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1392 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1453:** A BILL for an Act to create and enact a new subsection to section 12.1-05-02 and a new subsection to section 12.1-32-07 of the North Dakota Century Code, relating to execution of public duty and conditions of probation.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1453 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1475:** A BILL for an Act to amend and reenact section 12-44.1-21 of the North Dakota Century Code, relating to prohibited acts in correctional facilities; and to provide a penalty.

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

**YEAS:** Lindaas; Nichols; Tollefson

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

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1475 lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3018:** A concurrent resolution directing the Legislative Council to study alternatives, including school district income taxes, for funding sources to reduce school districts' dependence on property taxes.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3018 was declared lost on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR**

**HCR 3010:** A concurrent resolution directing the Legislative Council to study the property tax exemption for public housing authorities.

**HCR 3023:** A concurrent resolution directing the Legislative Council to study the use of easements to protect agricultural and other lands in North Dakota.

**HCR 3047:** A concurrent resolution directing the Legislative Council to study the property tax assessment and valuation of agricultural property.

The question being on the final adoption of the resolutions, which have been read.

HCR 3010, HCR 3023, and HCR 3047 were declared adopted on a voice vote, and the titles were agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do concur in the House amendments to Engrossed SB 2046 as printed on SJ page 671, which motion prevailed on a voice vote.

Engrossed SB 2046, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2046:** A BILL for an Act to create and enact a new section to chapter 12.1-18 and five new sections to chapter 14-05 of the North Dakota Century Code, relating to the removal of children from the state, to decrees of separation, and the duty to support children; to amend and reenact sections 14-04-04, 14-05-03, 14-05-08, 14-05-10, 14-05-17, 14-05-23, 14-05-25.1, and 14-09-08 of the North Dakota Century Code, relating to decrees of separation and divorce; to repeal sections 14-05-11 and 14-05-12 and chapter 14-06 of the North Dakota Century Code, relating to separation from bed and board and grounds for divorce; to provide a penalty; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

Reengrossed SB 2046 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to SB 2164 as printed on SJ page 701, which motion prevailed on a voice vote.

SB 2164, as amended, was placed on the Eleventh order of business.

### SECOND READING OF SENATE BILL

**SB 2164:** A BILL for an Act to amend and reenact sections 1-03-04 and 6-01-01, subsections 1 and 2 of section 6-01-01.1, subsections 5 and 8 of section 6-01-02, subsection 1 of section 6-01-04.1, subsection 1 of section 6-01-04.2, subsection 4 of section 6-01-10, section 6-01-13, subsection 1 of section 6-01-15, section 6-01-17.2, subsection 2 of section 6-02-01, sections 6-03-11, 6-03-13.5, 6-03-70, and 6-05-02, subsection 2 of section 6-05-04, subsections 1 and 3 of section 6-05-15.4, subsection 2 of section 6-05-15.5, section 6-05-28, subsection 1 of section 6-06-08, sections 6-06-08.2 and 6-06-08.3, subsection 2 of section 6-06-35, section 6-06-36, subsection 4 of section 6-08.1-01, section 6-08.2-02, subsection 3 of section 6-08.3-01, section 6-09-29, subsection 4 of section 6-09-35, section 6-10-06, sections 7-01-03, 7-01-09, and 7-01-11, subsection 2 of section 7-01-12, section 7-01-14, subsection 5 of section 7-02-01, subsections 1, 9, and 10 of section 7-02-08, sections 7-03-01, 7-03-03, 7-03-04, and 7-03-05, subsection 4 of section 7-03-07, sections 7-04-20, 7-05-01, 7-05-02, 7-05-03, 7-05-04, 7-05-05, 7-05-06, 7-05-07, 7-06-01, 7-06-02, 7-06-03, 7-06-04, 7-06-05, 7-06-07, 7-07-02, 7-07-03, 7-07-05, 7-07-06, 7-07-07, 7-07-08, 7-07-12, 7-08-01, 7-08-03, and 7-08-05, subsection 2 of section 10-04-05, subsection 2 of section 12.1-06.1-01, subsection 1 of 13-03.1-01, subsection 1 of 13-03.1-11, sections 13-04.1-01, 13-04.1-03, 13-04.1-05, 13-04.1-06, 13-04.1-08, 13-04.1-10, 13-04.1-11, 13-04.1-13, 13-05-01, 13-05-03, 13-05-05, and 13-05-06, subsection 1 of section 13-05-06.1, sections 13-05-08, 13-05-08.1, and 23-21.1-03, subsection 2 of section 51-17-02, subsection 1 of section 54-06-04, subsection 16 of section 54-11-01, and section 54-11-07 of the North Dakota Century Code, relating to the name of the department of banking and financial institutions; and to provide for legislative council correction of statutory references.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed SB 2164 passed and the title was agreed to.

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### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2174 as printed on SJ page 672, which motion prevailed on a voice vote.

Engrossed SB 2174, as amended, was placed on the Eleventh order of business.

### SECOND READING OF SENATE BILL

**SB 2174:** A BILL for an Act to provide for a legislative council study.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

Reengrossed SB 2174 passed and the title was agreed to.



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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do concur in the House amendments to Engrossed SB 2230 as printed on SJ page 686, which motion prevailed on a voice vote.

Engrossed SB 2230, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2230:** A BILL for an Act to amend and reenact sections 16.1-13-10 and 44-02-02 of the North Dakota Century Code, relating to filling a vacancy in a legislative office and resignation of a member of the legislative assembly; to repeal section 16.1-13-11 of the North Dakota Century Code, relating to the duty of the governor when a vacancy occurs in the legislative assembly; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mutch; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Christenson; Every; Heitkamp; Kelsh; Krauter; Mathern, D.; Mathern, T.; Nelson, C.; O'Connell

**ABSENT AND NOT VOTING:** Bercier; Lee

Reengrossed SB 2230 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LEE MOVED** that the Senate do concur in the House amendments to SB 2341 as printed on SJ page 672, which motion prevailed on a voice vote.

SB 2341, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2341:** A BILL for an Act to amend and reenact sections 23-06.4-03, 23-06.5-05, and 23-06.5-16 and subsection 9 of section 23-06.5-17 of the North Dakota Century Code, relating to the form and execution of advance health care directives.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, T.; Mutch; Nelson, G.; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Kelsh; Krauter; Mathern, D.; Nelson, C.; Nething; O'Connell; Trenbeath

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed SB 2341 passed and the title was agreed to.

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**REPORT OF DELAYED BILLS COMMITTEE**

**MR. PRESIDENT:** Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has cast a vote of 5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a concurrent resolution urging the issuance of a postage stamp to honor the Purple Heart medal and those who have received the Purple Heart medal.

The resolution will be SCR 4048.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 9, 2001: SB 2072, SB 2079, SB 2083, SB 2089, SB 2092, SB 2094, SB 2134, SB 2146, SB 2349.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on March 9, 2001: SCR 4008.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1450.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1064, HB 1085, HB 1126, HB 1290, HB 1303, HB 1325, HB 1375.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1031, HB 1084.

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1029, HB 1030, HB 1049, HB 1053, HB 1063, HB 1192.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2059, SB 2060, SB 2062, SB 2126, SB 2136, SB 2211, SB 2231.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2097.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2097**

Page 1, line 1, remove "to create and enact a new section to chapter 50-24.4 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to nursing home reporting requirements;" and replace "sections" with "subsection 1 of section"

Page 1, line 3, remove "and 50-24.4-08"

Page 1, line 4, replace "; to repeal sections 50-24.4-23 and 50-24.4-25 of the North" with a period

Page 1, remove lines 5 and 6

Page 1, line 8, replace "Section" with "Subsection 1 of section"

Page 1, remove line 10

Page 2, remove lines 19 through 31

Page 3, remove lines 1 through 18

Renumber accordingly

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1119 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1119:** Reps. Brusegaard; Haas; Cleary

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, March 12, 2001, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1033: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1033 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1074, as reengrossed: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1074 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1075: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1075 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1099, as engrossed: 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). Engrossed HB 1099 was placed on the Sixth order on the calendar.

Page 5, line 30, after "claims" insert " , premium payment amount and history for any available insurance coverage,"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1101, as engrossed: 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). Engrossed HB 1101 was placed on the Sixth order on the calendar.

Page 1, line 5, after "retirement" insert "; to provide an effective date; and to provide an expiration date"

Page 3, line 12, replace "**Contingent effective date and expiration date - See note**" with "**Effective after ~~January 29, 2003~~ July 31, 2005**"

Page 4, line 25, replace "**Contingent effective date and expiration date - See note**" with "**Effective from January 29, 2001, through ~~January 29, 2003~~ July 31, 2005**"

Page 7, after line 21, insert:

"7. Member interest groups approved by the board, limited to information concerning the member's death."

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1118, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1118 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1133, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1133 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "A", overstrike "person", and after "hereafter" insert "An individual"

Page 1, line 10, overstrike "person" and after "be" insert "individual"

Page 1, line 12, remove the second "that" and overstrike "person"

Page 1, line 13, after "be" insert "that individual" and replace "instrument or affidavit" with "acknowledgment"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1154: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1154 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1175, as engrossed: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1175 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1196, as reengrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1196 was placed on the Sixth order on the calendar.

Page 4, line 22, after the first "capacity" insert "licensed after July 1, 2001, as nursing facility capacity."

Page 4, line 31, after "basic" insert "care" and after "capacity" insert "licensed after July 1, 2001, as nursing facility capacity."

Page 5, line 3, overstrike "1999" and insert immediately thereafter "2001"

Page 5, line 4, overstrike "1999" and insert immediately thereafter "2001" and overstrike "2001" and insert immediately thereafter "2003"

Page 5, line 6, overstrike "1999" and insert immediately thereafter "2001" and overstrike "2001" and insert immediately thereafter "2003"

Page 5, line 11, after the second "capacity" insert "licensed after July 1, 2001, as nursing facility capacity."

Page 7, line 9, overstrike "governmental" and insert immediately thereafter "government"

Page 8, line 21, overstrike ""Assisted living facility" has the meaning provided in section 50-24.5-01, but if the"

Page 8, overstrike lines 22 through 30

Page 9, overstrike lines 1 through 12

Page 9, line 13, remove "2."

Page 9, line 22, replace "3" with "2"

Page 9, line 23, replace "4" with "3"

Page 9, line 25, replace "5" with "4"

Page 11, line 10, overstrike "The department's share of the total"

Page 11, line 11, overstrike "cost of" and insert immediately thereafter "An approved loan for", remove "project", and overstrike "is limited to" and insert immediately thereafter "project may not exceed"

Page 14, line 5, after "government" insert "nursing"

Page 14, line 29, after the period insert "An incentive may not be paid for nursing facility bed capacity that is temporarily converted to basic care bed capacity."

Page 15, line 24, after "**FACILITY**" insert "**AND INTERMEDIATE CARE FACILITY FOR THE MENTALLY RETARDED**"

Page 15, line 25, replace "\$266,400" with "\$309,600"

Page 15, line 26, replace "\$621,600" with "\$708,000"

Page 15, line 28, after "home" insert "and intermediate care for the mentally retarded"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1199, as engrossed: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1199 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1200, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1200 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1239, as engrossed: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1239 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1266: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1266 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1294: 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). HB 1294 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "section" with "sections" and after "39-18-03" insert "and 39-22-12"

Page 1, line 4, after "home" insert "and an exemption from the motor vehicle dealer licensing law for house car dealers, manufacturers, and distributors"

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

Page 2, after line 20, insert:

**"SECTION 2. AMENDMENT.** Section 39-22-12 of the North Dakota Century Code is amended and reenacted as follows:

**39-22-12. Officers to administer chapter - House car dealer, manufacturer, and distributor exemption.** The director and any duly authorized representative shall be responsible for the administration of ~~the provisions of this chapter.~~ This chapter does not apply to house car dealers, manufacturers, and distributors."

Page 2, line 23, after "title" insert "- Limitation on tax liability of bona fide purchaser"

Page 2, line 29, after the underscored period insert "A bona fide purchaser of a mobile home for which verification of tax payment is required by this section is not liable for more than one taxable year of unpaid delinquent or current taxes for which the obligation accrued against a previous owner of the mobile home."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1284, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1284 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1297, as engrossed: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1297 was placed on the Sixth order on the calendar.

Page 1, line 16, after "sale" insert ", foreclosure"

Page 2, line 12, after "property" insert an underscored period

Page 2, remove lines 13 through 31

Page 3, remove lines 1 through 7

Page 3, line 9, remove "However, if the"

Page 3, remove lines 10 through 16

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1321, as reengrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1321 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1324: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1324 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1327, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1327 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1336, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1336 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "amend and reenact" with "repeal"

Page 1, line 4, replace "**AMENDMENT**" with "**REPEAL**" and after "is" insert "repealed."

Page 1, remove lines 5 through 8

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1352, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1352 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "of the political subdivision in which the official is being recalled"

Page 1, line 18, remove "of the political subdivision in"

Page 1, line 19, remove "which the official is being recalled"

Page 2, line 15, remove "of the"

Page 2, line 16, remove "political subdivision in which the official is being recalled"

Page 2, line 17, remove "and the political"

Page 2, line 18, remove "subdivision"

Page 9, line 7, replace "six months" with "ninety days"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1353: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1353 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "and" with a comma, after "44-05-04" insert ", and 54-09-04", and after "officers" insert "and fees imposed by the secretary of state"

Page 1, line 13, replace "person's" with "individual's"

Page 1, line 16, after the underscored semicolon insert "any individual appointed by the governor:" and after "any" insert "state"

Page 1, line 17, after "any" insert "state" and replace "person" with "individual"

Page 1, line 18, after the underscored period insert "Except for an individual appointed to fill a vacancy existing in the legislative assembly, the term does not include any individual receiving a legislative appointment."

Page 2, after line 5, insert:

**"SECTION 4. AMENDMENT.** Section 54-09-04 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-09-04. Fees.** The secretary of state, unless otherwise provided by law, shall charge and collect the following fees:

1. For a copy of any law, resolution, record, or other document or paper on file in the secretary of state's office, one dollar for every four pages or fraction thereof.
2. For affixing the signature of the secretary of state, certificate, or seal, or combination thereof to any document, ten dollars.
3. For filing a certificate of appointment of attorney, five dollars.
4. ~~For any other document signed by the governor, except a commission, and attested by the secretary of state, five dollars.~~
5. For searching records and archives of the state, five dollars. For the purposes of this section, a search of records conducted by the secretary of state for which a fee must be collected includes the following:
  - a. A search of a filed document that is active or archived, an archived index, or an index of business name changes to identify specific information to satisfy a request;
  - b. A search of any record for which written verification of the facts of the search is required; and
  - c. For every search of records when the request for the search is contained in a list compiled by the requester.

The secretary of state may provide, at no charge, information from publications or reference materials published or maintained by the secretary of state and verbal confirmation of any element of information maintained in a computer data base.

- ~~6.~~ 5. For filing any paper not otherwise provided for, ten dollars.
- ~~7.~~ 6. For filing utility property transfers, five dollars, and issuing a certificate of filing, five dollars.
- ~~8.~~ 7. For sending a copy of a document by electronic transmission, one dollar for each page.
- ~~9.~~ 8. For filing any process, notice, or demand for service, twenty dollars.
- ~~10.~~ 9. For preparing any listing or compilation of any information recorded or filed in the office of the secretary of state, thirty-five dollars plus the actual cost for assembling and providing the information on the medium requested.

A member of the legislative assembly or a state or county officer may not be charged for any search relative to matters appertaining to duties of office, any fee for a certified

copy of any law or resolution passed by the legislative assembly relative to the person's individual's official duties, or for filing any process, notice, or demand for service. An individual required to file an oath of office with the secretary of state may not be charged for filing the oath of office, nor may a state or county officer be charged for filing any document with the secretary of state when acting in the officer's official capacity. All fees when collected must be paid by the secretary of state into the state treasury at the end of each month and placed to the credit of the state. Unless otherwise provided by law, the secretary of state shall retain a handling charge from filing fees tendered when a document submitted to the secretary of state under any law is rejected and not perfected. The handling charge is five dollars or fifty percent of the filing fee, whichever is greater, but may not exceed one hundred dollars. This section does not apply to fees submitted for filing in, or information obtained from, the computerized central notice system, to the computerized Uniform Commercial Code central filing data base, or to the computerized statutory liens data base."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1356, as engrossed: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1356 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1452, as engrossed: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1452 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "section to" and replace "39-21" with "to title 39"

Page 1, line 2, after the semicolon insert "to provide a penalty;"

Page 1, line 4, remove "section to" and replace "39-21" with "to title 39"

Page 1, replace lines 6 through 14 with:

**"Definitions.** As used in this chapter, unless the context otherwise requires:

1. "Chase vehicle" means a motor vehicle that accompanies an experimental vehicle while operating on a highway.
2. "Experimental vehicle" means a vehicle with an unladen weight of six thousand pounds [2721.55 kilograms] or less which may be equipped with any configuration of axles and wheels and which is primarily powered by some source other than a combustion engine, muscle, or an animal.

**Applicability.** An experimental vehicle is a motor vehicle under this title, except:

1. Chapter 39-22 does not apply to experimental vehicles.
2. Registration of an experimental vehicle is governed by this chapter.
3. The governing body of a political subdivision may regulate, restrict, or prohibit the use of an experimental vehicle operating within the political subdivision's corporate limits in areas under the jurisdiction of the political subdivision.

**Experimental vehicle registration - Application - Issuance - Fees - Renewal.**

1. An individual may not operate an experimental vehicle unless the vehicle has been registered in accordance with this chapter.
2. The department shall design and furnish an application that must be used to register an experimental vehicle. The registration must state the name and address of every owner of the experimental vehicle and must be signed by at least one owner. A copy of the application is evidence of registration for the first thirty days after the date of application.



3. On receipt of an application and the appropriate fee, the department shall register the experimental vehicle and assign a registration number and a certificate of registration. The certificate of registration must include information regarding name and address of the owner.
4. The fee for registration of an experimental vehicle is fifty dollars for each registration cycle of one year ending on March thirty-first. The department may prorate the initial registration fee. For a duplicate or replacement registration number or registration card that is lost, mutilated, or becomes illegible, the department may charge a fee of not more than five dollars.
5. To renew a registration, the owner of an experimental vehicle shall follow the procedure adopted by the department and pay the registration fee.
6. The department may adopt rules for the registration of experimental vehicles and the display of registration numbers.

**Exemption from fees.** Payment of fees is not required of an experimental vehicle owned and used by the United States, a state or any of its agencies, institutions, or political subdivisions; an experimental vehicle registered in a foreign country and temporarily used in this state; or an experimental vehicle validly licensed in another state and which has not been in this state for more than thirty consecutive days.

**Transfer or termination of experimental vehicle ownership - Change of address of owner.** Within fifteen days of a transfer of any ownership interest in an experimental vehicle, other than a security interest, the destruction or abandonment of any experimental vehicle, or a change of address of the owner as listed with the application for registration, written notice of the fact must be given by the last registered owner to the director in the form the director requires.

**Rules of operation.** A person may not operate an experimental vehicle on a highway without being accompanied by a chase vehicle. The chase vehicle must follow the experimental vehicle at a safe-driving distance.

**Equipment.** An experimental vehicle must be equipped with a horn, front and rear turn signal lamps, stop lamps, a balanced and coreactive dual-braking system, a windshield, a safety belt installed at each seating position, an exterior mirror mounted on the operator's side of the vehicle, a roll cage that encompasses the entire driver, fresh air intake vents or wheel openings, and either an exterior mirror mounted on the passenger's side of the vehicle or an interior rearview mirror.

**Penalty.** A violation of this chapter for which there is no penalty in this title is a class B misdemeanor."

Renumber accordingly

#### **FIRST READING OF SENATE CONCURRENT RESOLUTION**

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

(Approved by the Delayed Bills Committee)

**SCR 4048:** A concurrent resolution urging the issuance of a postage stamp to honor the Purple Heart medal and those who have received the Purple Heart medal.

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

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

**WILLIAM R. HORTON, Secretary**

