

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, March 6, 2003

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

The prayer was offered by Reverend Dale V. Nabben, Missouri Slope Lutheran Care Center, Bismarck.

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

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1096, which is on the Fourteenth order, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1096 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that HB 1163, which is on the Fourteenth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1163 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that HB 1207 be returned to the Senate floor from the **Political Subdivisions Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1207 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that HB 1348 be moved to the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1139, as engrossed: SEN. EVERY (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 660 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1269, as engrossed: SEN. FISCHER (Human Services Committee) MOVED that the amendments on SJ pages 661-662 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1400, as engrossed: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ page 662 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1348, as engrossed: SEN. TOLLEFSON (Finance and Taxation Committee) MOVED that the amendments on SJ page 662 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended and Engrossed HB 1348 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1348: A BILL for an Act to create and enact a new subsection to section 57-06-02 and a new section to chapter 57-06 of the North Dakota Century Code, relating to property tax exemption for new or expanded capacity electric transmission lines; to amend and reenact subsection 2 of section 57-33.1-02 of the North Dakota Century Code, relating to application of the electric transmission lines mileage tax for cooperatives; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1348, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1051: A BILL for an Act to amend and reenact section 54-10-26 of the North Dakota Century Code, relating to draft audit reports prepared by the state auditor.

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, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1051, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1078: A BILL for an Act to amend and reenact section 44-04-18.1 of the North Dakota Century Code, relating to the confidentiality of personal information obtained by a state agency in administering occupational or professional licenses.

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, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

HB 1078 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1115: A BILL for an Act to create and enact a new subsection to section 57-38-57 of the North Dakota Century Code, relating to provision of income tax return information to the United States census bureau; to amend and reenact section 52-01-03 of the North Dakota Century Code, relating to the provision of unemployment insurance data to the United States census bureau; 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, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1115, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1124: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to higher education institution room and meal fees; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1124 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1126: A BILL for an Act to amend and reenact subsection 2 of section 15-62.2-02 of the North Dakota Century Code, relating to the maximum amount for student financial assistance program grants.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

HB 1126 lost.

SECOND READING OF HOUSE BILL

HB 1137: A BILL for an Act to amend and reenact section 26.1-02-03 of the North Dakota Century Code, relating to requirements for an insurance company to do business in this state; 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 PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1137 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1142: A BILL for an Act to create and enact section 26.1-25-04.4 of the North Dakota Century Code, relating to withdrawal of insurance companies; to amend and reenact subsection 1 of section 26.1-30.1-06 and subsection 1 of section 26.1-39-16 of the North Dakota Century Code, relating to nonrenewal of commercial and homeowner's insurance; and to repeal sections 26.1-01-06, 26.1-03-12, 26.1-03-13, 26.1-03-14, and 26.1-03-15 of the North Dakota Century Code, relating to product liability and legal malpractice reports.

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, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

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

SECOND READING OF HOUSE BILL

HB 1155: A BILL for an Act to provide for a legislative council study of the criteria by which a student's school district of residence is established.

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, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1155 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1165: A BILL for an Act to create and enact chapter 50-31 of the North Dakota Century Code, relating to substance abuse treatment programs; to amend and reenact

subsection 12 of section 25-03.1-02 and subdivision b of subsection 2 of section 26.1-36-08 of the North Dakota Century Code, relating to the correction of statutory cross-references; and to repeal chapter 23-17.1 of the North Dakota Century Code, relating to the licensing of addiction hospitals.

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, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1165 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1169: A BILL for an Act to amend and reenact sections 47-22-01, 47-22-02, 47-22-03, 47-22-04, 47-22-05, 47-22-06, 47-22-06.1, 47-22-07, 47-22-08, 47-22-09, 47-22-10, 47-22-11, 47-22-12, and 47-22-13 of the North Dakota Century Code, relating to registration and protection of service marks; to provide for retroactive application; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

HB 1169 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1210: A BILL for an Act to create and enact a new subsection to section 57-51.1-03.1 of the North Dakota Century Code, relating to eligibility of a two-year inactive well for exemption from the oil extraction tax; and to amend and reenact subsection 12 of section 57-51.1-01 and subsection 4 of section 57-51.1-03 of the North Dakota Century Code, relating to the definition of a two-year inactive well and eligibility of a work-over project for exemption from the oil extraction tax.

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, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1210 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1232: A BILL for an Act to amend and reenact section 47-16-07.1 of the North Dakota Century Code, relating to security deposits for the lease of real property or a dwelling.

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, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Stenehjem

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1232 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1266: A BILL for an Act to amend and reenact sections 51-07-01, 51-07-01.1, and 51-07-03 of the North Dakota Century Code, relating to contract remedies for termination of certain retail contracts; and to repeal section 51-07-02 of the North Dakota Century Code, relating to calculation of costs for merchandise of certain retail contracts.

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, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1266 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1310: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to reassessment of property that was formerly a commercial grain elevator; 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 NOT PASS, the roll was called and there were 2 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Fairfield; Thane

NAYS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1310 lost.

SECOND READING OF HOUSE BILL

HB 1390: A BILL for an Act to amend and reenact section 27-03-05 of the North Dakota Century Code, relating to fees collected by the clerk of the supreme court; and to provide a continuing appropriation.

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, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: O'Connell

ABSENT AND NOT VOTING: Bercier

HB 1390 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1419: A BILL for an Act to amend and reenact sections 27-02.1-01, 27-02.1-02, 27-02.1-03, 27-02.1-04, 27-02.1-05, 27-02.1-06, 27-02.1-07, 27-02.1-08, and 27-02.1-09 of the North Dakota Century Code, relating to the temporary court of appeals; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

HB 1419 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1441: A BILL for an Act to authorize the state to purchase oil put options; to provide an appropriation; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Dever; Erbele; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; Polovitz; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Urlacher; Wardner

NAYS: Cook; Espegard; Fairfield; Holmberg; Mutch; O'Connell; Stenehjem; Trenbeath

ABSENT AND NOT VOTING: Bercier; Kringstad

HB 1441 passed and the title was agreed to.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3057: A concurrent resolution for the amendment of sections 8 and 13 of article IV of the Constitution of North Dakota, relating to election of presiding officers of the legislative assembly and legislative procedures; and to repeal section 12 of article V and section 13 of article XI of the Constitution of North Dakota, relating to duties of the lieutenant governor and impeachment proceedings.

Was read the first time and referred to the **Joint Constitutional Revision Committee**.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1025, HB 1064, HB 1097, HB 1099, HB 1118, HB 1125, HB 1134, HB 1135, HB 1149, HB 1150, HB 1151, HB 1216, HB 1230, HB 1262, HB 1339.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SB 2034, SB 2043, SB 2047, SB 2075, SB 2078, SB 2091, SB 2092, SB 2098.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2050, SB 2051, SB 2056, SB 2081, SB 2082, SB 2105, SB 2106, SB 2108, SB 2110, SB 2125, SB 2126, SB 2128, SB 2129, SB 2132, SB 2292, SB 2301.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1080, HB 1084, HB 1085, HB 1098, HB 1110, HB 1111, HB 1127, HB 1140, HB 1141, HB 1160, HB 1164, HB 1254, HCR 3003, HCR 3044.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1443.

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

MR. SPEAKER: The Senate has failed to pass: HB 1132.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed unchanged: SB 2037, SB 2040, SB 2062, SB 2066, SB 2067, SB 2069, SB 2159, SB 2256.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2073.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has amended and passed: SB 2115, SB 2238, SCR 4002.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2115

Page 1, line 14, after the second underscored comma insert "or its successor,"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2238

Page 1, line 5, replace the second "and" with "or"

Page 1, line 8, replace "and" with "or"

Page 1, line 14, replace "and" with "or"

Re-number accordingly

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4002

Page 1, line 21, after "resolution" insert ", by certified mail with return receipt,"

Re-number accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass: SB 2042.

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 12:30 p.m., Friday, March 7, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4015: Joint Constitutional Revision Committee (Sen. Tollefson, Chairman) recommends **DO NOT PASS** (9 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4015 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4031: Joint Constitutional Revision Committee (Sen. Tollefson, Chairman) recommends **DO NOT PASS** (6 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SCR 4031 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4027: 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). SCR 4027 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "directing the Legislative Council to study whether the use of" with "urging Governor John Hoeven to continue his efforts to provide for the needs of the state's most vulnerable citizens by using"

Page 1, line 2, remove "the use of"

Page 1, line 3, replace "is jeopardizing the future economic viability of the Bank of North Dakota" with "without requiring any general tax increase in the budget submitted to the Fifty-eighth Legislative Assembly."

Page 1, remove lines 4 and 5

Page 1, line 13, replace the second "funds" with "fund" and replace "may be jeopardizing the future viability of the Bank of" with "has made it possible for a balanced budget without the need for any general tax increases while continuing to provide for the needs of our most vulnerable citizens;"

Page 1, remove lines 14 and 15

Page 1, line 18, after the first "the" insert "Fifty-eighth" and replace "Council study whether the use of " with "Assembly urges Governor John Hoeven to continue his efforts to provide for the needs of the state's most vulnerable citizens by using"

Page 1, line 19, remove "the use of" and replace "is" with "without requiring any general tax increase in the budget submitted to the Fifty-eighth Legislative Assembly; and"

Page 1, remove lines 20 through 22

Page 1, line 23, replace "Legislative Council report its findings and" with "Secretary of State present an enrolled copy of this resolution to Governor John Hoeven."

Page 1, remove lines 24 and 25

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4032: 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). SCR 4032 was placed on the Sixth order on the calendar.

In lieu of amendments to Senate Concurrent Resolution No. 4032 as printed on page 646 of the Senate Journal, Senate Concurrent Resolution No. 4032 is amended as follows:

Page 1, line 1, after "study" insert "perpetual and nonperpetual easements;"

Page 1, line 2, after "easements" insert "; and the modification, salability, and termination of existing perpetual easements"

Page 1, line 21, after the semicolon insert "and

WHEREAS, the United States Fish and Wildlife Service has acquired many perpetual easements for waterfowl production areas, wildlife refuges, and other wildlife or waterfowl purposes;"

Page 1, line 24, after "study" insert "perpetual and nonperpetual easements;"

Page 1, line 25, after "easements" insert "; and the modification, salability, and termination of existing perpetual easements"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1065: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1065 was placed on the Sixth order on the calendar.

Page 2, line 27, overstrike "North Dakota workers compensation" and insert immediately thereafter "workforce safety and insurance"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1100, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1100 was placed on the Sixth order on the calendar.

Page 1, line 14, overstrike "cash book in which must be entered the amount" and insert immediately thereafter "record"

Page 1, line 16, overstrike "ledger in which" and insert immediately thereafter "record that" and overstrike "be kept" and insert immediately thereafter "keep"

Page 1, line 17, overstrike "book in which" and insert immediately thereafter "record that" and overstrike "be shown" and insert immediately thereafter "show"

Page 1, line 19, after "~~prescribe~~" insert "The records may be created and published via electronic devices and must be in compliance with state audit guidelines" and remove the overstrike over the overstruck period

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1143, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1143 was placed on the Sixth order on the calendar.

Page 2, line 7, remove "Under this subsection,"

Page 2, remove lines 8 and 9

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1183: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1183 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1205: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1205 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1273: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1273 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1333, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1333 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1414, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1414 was placed on the Sixth order on the calendar.

Page 5, line 23, remove "or utilize"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3010, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3010 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3018: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3018 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3057: Joint Constitutional Revision Committee (Sen. Tollefson, Chairman) recommends **DO PASS** (5 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HCR 3057 was placed on the Fourteenth order on the calendar.

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

WILLIAM R. HORTON, Secretary

