

## JOURNAL OF THE SENATE

## Fifty-eighth Legislative Assembly

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Bismarck, March 13, 2003

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

The prayer was offered by Pastor Harold E. Petersen, First Lutheran Church, Parshall.

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

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**HB 1362, as engrossed: SEN. NELSON (Judiciary Committee) MOVED** that the amendments on SJ pages 738-740 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that Engrossed HB 1089, which is on the Fourteenth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1089 was rereferred.

## MOTION

**SEN. CHRISTMANN MOVED** that Engrossed HB 1296, which is on the Fourteenth order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1296 was rereferred.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2214 be moved to the top of the Twelfth order, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1031:** A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to department of transportation cooperative agreements with counties or cities.

## 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 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Brown; Christenson; Christmann; Cook; Dever; Erbele; 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; Tollefson; Traynor; Urlacher; Wardner

**NAYS:** Bowman; Espegard; Thane; Trenbeath

**ABSENT AND NOT VOTING:** Bercier

HB 1031 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1071:** A BILL for an Act to provide for the adoption of the Uniform Foreign Money-Judgments Recognition 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 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Bowman; O'Connell; Schobinger

**ABSENT AND NOT VOTING:** Bercier

HB 1071 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1083:** A BILL for an Act to amend and reenact sections 14-02.4-21, 14-02.5-22, and 14-02.5-46 of the North Dakota Century Code, relating to confidential information obtained under the human rights and housing discrimination laws.

#### 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 1083 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1146:** A BILL for an Act to amend and reenact subsection 4 of section 19-03.1-09 and subsection 4 of section 19-03.1-11 of the North Dakota Century Code, relating to controlled substances.

#### 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 1146 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1185:** A BILL for an Act to amend and reenact subsection 6 of section 41-09-73 and section 41-09-84 of the North Dakota Century Code, relating to financing statements and termination statements under the Uniform Commercial Code.

#### 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 1185 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1090:** A BILL for an Act to amend and reenact subsection 1 of section 27-20-51 and section 27-20-52 of the North Dakota Century Code, relating to juvenile records.

#### 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 1090 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1193:** A BILL for an Act to amend and reenact section 39-21-41.4 of the North Dakota Century Code, relating to the use of safety belts.

#### 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 1193 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1258:** A BILL for an Act to amend and reenact sections 15.1-12-14 and 15.1-12-15 of the North Dakota Century Code, relating to teachers' contracts in newly reorganized districts; 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 1258 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1191:** A BILL for an Act to amend and reenact section 39-08-01 of the North Dakota Century Code, relating to the drug court program.

### 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 1191 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1259:** A BILL for an Act to amend and reenact section 15.1-09-06 of the North Dakota Century Code, relating to the salary of school board members.

### 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 38 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Christmann; Cook; Freborg; Heitkamp; Krauter; Mutch; O'Connell

**ABSENT AND NOT VOTING:** Bercier

HB 1259 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1267:** A BILL for an Act to amend and reenact section 14-07-08 of the North Dakota Century Code, relating to the liabilities of a husband and wife for medical care debts.

### 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 34 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Nichols; Robinson; Schobinger; Stenehjem; Syverson; Tallackson; Taylor; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Polovitz; Seymour; Thane

**ABSENT AND NOT VOTING:** Bercier

HB 1267 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1234:** A BILL for an Act to amend and reenact sections 28-24-02, 28-24-04, and 32-19-18 of the North Dakota Century Code, relating to redemption.

### 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 1 YEA, 44 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Nichols

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

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

Engrossed HB 1234 lost.

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### VOTING INTENTION

**SEN. COOK REQUESTED** that the record show he intended to vote NAY on Engrossed HB 1234, which request was granted.

### SECOND READING OF HOUSE BILL

**HB 1338:** A BILL for an Act to amend and reenact sections 57-20-22, 57-23-08, 57-23-09, and 57-55-12 of the North Dakota Century Code, relating to refund of penalties and interest on any abated property taxes or mobile home taxes.

### 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; Espgaard; 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 1338 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1374:** A BILL for an Act to amend and reenact section 21-04-09 of the North Dakota Century Code, relating to security for the repayment of deposits of public funds.

### 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; Espgaard; 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 1374 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1457:** A BILL for an Act to amend and reenact subdivision c of subsection 1 and subsections 7 and 9 of section 40-63-03 of the North Dakota Century Code, relating to criteria for renaissance zones.

### 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 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Cook; Every; Fairfield; Lindaas; Lyson; Stenehjem

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1457 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1481:** A BILL for an Act to amend and reenact subsections 4 and 6 of section 23-02.1-19 and subsections 3 and 5 of section 23-02.1-20 of the North Dakota Century Code, relating to the signing of death certificates by a nurse practitioner.

### 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 27 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Brown; Christenson; Christmann; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Heitkamp; Klein; Krauter; Krebsbach; Lee, J.; Mathern; Nelson; Nichols; O'Connell; Polovitz; Seymour; Stenehjem; Tallackson; Taylor; Traynor; Trenbeath; Wardner

**NAYS:** Bowman; Cook; Dever; Freborg; Grindberg; Holmberg; Kilzer; Kringstad; Lee, G.; Lindaas; Lyson; Mutch; Nething; Robinson; Schobinger; Syverson; Thane; Tollefson; Urlacher

**ABSENT AND NOT VOTING:** Bercier

HB 1481 passed and the title was agreed to.

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### MOTION

**SEN. CHRISTMANN MOVED** the Senate be on the Thirteenth order for first reading of HCR 3077, which motion prevailed.

### FIRST READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3077:** A concurrent resolution urging the United States Senators for the state of North Dakota to support the floor vote and nomination of judicial nominee Miguel Estrada. Was read the first time.

**MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended, that HCR 3077 not be printed, not be referred to committee, not be read in its entirety, but be printed in the Journal and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Reps. Belter, Berg, Carlson and Sens. Freborg, Nething, Stenehjem introduced:  
(Approved by the Delayed Bills Committee)

**HOUSE CONCURRENT RESOLUTION NO. 3077**

A concurrent resolution urging the United States Senators for the state of North Dakota to support the floor vote and nomination of judicial nominee Miguel Estrada.

**WHEREAS**, on May 9, 2001, the President nominated Miguel A. Estrada to fill a vacancy on the United States Court of Appeals from the District of Columbia Circuit; and

**WHEREAS**, Mr. Estrada's credentials are uncontested, beginning with his mastery of the English language and American culture upon his arrival to the United States as an immigrant from Honduras, and his graduation magna cum laude from Columbia University and Harvard Law School; and

**WHEREAS**, Mr. Estrada has received support from liberal and conservative colleagues alike who attest that he is one of the most brilliant and effective appellate lawyers in the country; and

**WHEREAS**, organizations who support Mr. Estrada include the League of United Latin American Citizens; United States Hispanic Chamber of Commerce; Hispanic National Bar Association; Hispanic Business Roundtable; and the Latino Coalition; and

**WHEREAS**, Mr. Estrada would be the first Hispanic in the country to sit on the United States Court of Appeals District of Columbia Circuit, an important and prestigious position within the nations' Court of Appeals; and

**WHEREAS**, after the Senate Judiciary Committee issued a favorable report to the United States Senate, over a year-and-a-half has passed without a vote on the Senate floor because of partisan politics, including a filibuster by Democratic Senators;

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

That the Fifty-eighth Legislative Assembly urges the United States Senators for the State of North Dakota to support the floor vote and nomination of the judicial nominee Miguel Estrada; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the United States Senators for the State of North Dakota.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3077:** A concurrent resolution urging the United States Senators for the state of North Dakota to support the floor vote and nomination of judicial nominee Miguel Estrada.

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

HCR 3077 was declared adopted on a voice vote.

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**MOTION**

**SEN. CHRISTMANN MOVED** that HCR 3077 be messaged to the House immediately, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate proceed to the Twelfth order, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2214 as printed on SJ page 683, which motion prevailed on a voice vote.

Engrossed SB 2214, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2214:** A BILL for an Act to amend and reenact section 11-11-49 of the North Dakota Century Code, relating to rewards offered by a board of county commissioners; 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 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

Reengrossed SB 2214 passed, the title was agreed to, and the emergency clause was declared carried.

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**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 12, 2003, I have signed the following: SB 2125 and SB 2126.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 13, 2003, I have signed the following: SB 2037, SB 2062, SB 2067, SB 2069, SB 2073, and SB 2256.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 13, 2003: SB 2079, SB 2093, SB 2094, SB 2114, SB 2120, SB 2121, SB 2122, SB 2123, SB 2136, SB 2142, SB 2145, SB 2158, SB 2179, SB 2205, SB 2206, SB 2286, SB 2289.

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

**MR. SPEAKER:** The Senate has passed unchanged: HCR 3077.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2038, SB 2080, SB 2115, SB 2046, and SCR 4002.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1043, HB 1106, HB 1279, HB 1378.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1081, HB 1145, HB 1270, HB 1276, HB 1355.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1093.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1405.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2053, SB 2280, SB 2388.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2111, SB 2149, SB 2180, SB 2302.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2111**

Page 1, line 9, overstrike "to be"

Renumber accordingly



**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2149**

Page 1, line 1, after "reenact" insert "subsection 1 of section 39-06-01.1,"

Page 1, line 4, after "to" insert "minor operators of motor vehicles,"

Page 1, after line 9, insert:

**"SECTION 1. AMENDMENT.** Subsection 1 of section 39-06-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The director shall cancel the permit or license to operate a motor vehicle of an individual who has committed acts resulting in an accumulated point total in excess of five points as provided for a violation under section 39-06.1-10 ~~or~~ has committed an alcohol-related offense while operating a motor vehicle, or has had driving privileges suspended or revoked under chapter 39-20, if:
  - a. The acts or offenses were committed while the individual was a minor; and
  - b. The individual admitted the violation, was found to have committed the violation by the official having jurisdiction, or pled guilty to, was found guilty of, or adjudicated to have committed the offense."

Page 4, line 3, overstrike "two" and insert immediately thereafter "three"

Page 4, line 5, remove "immediately"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2180**

Page 1, line 14, after "receive" insert "as", overstrike "in the", replace "same" with "an", after "amount" insert "determined by the board", and remove the overstrike over "~~not to exceed~~"

Page 1, line 15, after "~~cents~~" insert "the amount", replace "as" with "provided", and replace "as provided in" with "under"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2302**

Page 1, line 11, remove "if other payment arrangements have been entered"

Page 1, line 12, remove "between the debtor and creditor or"

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended and subsequently failed: SB 2171.

**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 1029, HB 1036, HB 1072, HB 1074, HB 1075, HB 1076, HB 1128, HB 1157, HB 1178, HB 1184, HB 1220, HB 1288, HB 1297, HB 1306, HB 1319, HB 1345, HB 1359, HB 1380, HB 1386, HB 1436, HB 1437.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2079, SB 2093, SB 2094, SB 2114, SB 2120, SB 2121, SB 2122, SB 2123, SB 2136, SB 2142, SB 2145, SB 2158, SB 2179, SB 2205, SB 2206, SB 2286, SB 2289.

**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: HCR 3002, HCR 3012, HCR 3013, HCR 3021, HCR 3026, HCR 3043, HCR 3051.

**MOTION**

**SEN. CHRISTMANN MOVED** that the absent member 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., Thursday, March 13, 2003, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1049: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1049 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1095, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1095 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1113, as reengrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Reengrossed HB 1113 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1114, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1114 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1117, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1117 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1120: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1120 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1163: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1163 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1176, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO NOT PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1176 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1214, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1214 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1224, as engrossed: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1224 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1252, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1252 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "identify" with "identity"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1322: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1322 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1334, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1334 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1383, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1383 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1397, as reengrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1397 was placed on the Sixth order on the calendar.

Page 1, line 7, after "may" insert "not"

Page 1, line 9, replace "but" with "unless the board first determines that there are no other private entities able and willing to enter into such a contract. The board"

Page 1, remove lines 11 through 13

Page 1, line 14, replace "3." with "2."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1444, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1444 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1480, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1480 was placed on the Fourteenth order on the calendar.

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

**WILLIAM R. HORTON, Secretary**

