

JOURNAL OF THE SENATE

Fifty-seventh Legislative Assembly

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Bismarck, March 1, 2001

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

The prayer was offered by Pastor Don Burnett, Bismarck Baptist Church, Bismarck.

The roll was called and all members were present except Senators Flakoll, Krauter, Tallackson, Tollefson, and Tomac.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that HCR 3044 be returned to the Senate floor from the **Agriculture Committee** and be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HCR 3044 was rereferred.

MOTION

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

CONSIDERATION OF AMENDMENTS

HB 1038: SEN. T. MATHERN (Human Services Committee) MOVED that the amendments on SJ pages 614-615 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

HB 1038, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1053: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ page 594 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1053: A BILL for an Act to amend and reenact subsection 3 of section 10-06.1-10 of the North Dakota Century Code, relating to acquisition of farmland or ranchland by nonprofit organizations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Flakoll; Krauter; Nelson, C.; Tallackson; Tollefson; Tomac

Engrossed HB 1053, as amended, passed and the title was agreed to.

REQUEST

SEN. C. NELSON REQUESTED the Journal reflect she intended to vote YEA on HB 1053, which request was granted.

CONSIDERATION OF AMENDMENTS

HB 1117: SEN. T. MATHERN (Human Services Committee) MOVED that the amendments on SJ page 615 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1117: A BILL for an Act to amend and reenact sections 50-24.3-01 and 50-24.3-03 of the North Dakota Century Code, relating to the provision of targeted case management by the department of human services; to provide an expiration date; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

Engrossed HB 1117, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1155: A BILL for an Act to create and enact a new section to chapter 43-25 to the North Dakota Century Code, relating to the duties of the board of massage; to amend and reenact sections 43-25-02, 43-25-03, 43-25-04, 43-25-05, 43-25-06, 43-25-07, 43-25-08, 43-25-09, 43-25-10, 43-25-13, 43-25-14, 43-25-18, and 43-25-19 of the North Dakota Century Code, relating to the practice of massage; to repeal sections 43-25-11, 43-25-12, and 43-25-16 of the North Dakota Century Code, relating to the practice of massage; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

Engrossed HB 1155 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1093: A BILL for an Act to amend and reenact subsections 1 and 3 of section 49-21-02.4 of the North Dakota Century Code, relating to unauthorized charges in telecommunications service and providers.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

HB 1093 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1351: A BILL for an Act to amend and reenact section 6-03-38 of the North Dakota Century Code, relating to the powers of state-chartered banks.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

HB 1351 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1139: A BILL for an Act to amend and reenact subsection 14 of section 45-10.1-15 and subsection 1 of section 45-10.1-52 of the North Dakota Century Code, relating to the foreign limited partnership amendment fee and registration filed with the secretary of state.

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, 2 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjorn; Thane; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Kroepflin; O'Connell

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

HB 1139 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1072: A BILL for an Act to amend and reenact subsection 1 of section 57-38-60 of the North Dakota Century Code, relating to the requirements to file annual income tax withholding returns by employers; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

HB 1072 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1078: A BILL for an Act to amend and reenact subsections 1 and 3 of section 57-38-62 of the North Dakota Century Code, relating to estimated income tax payment requirements; 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 43 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Flakoll; Krauter; Stenehjem; Tallackson; Tollefson; Tomac

HB 1078 passed and the title was agreed to.

REQUEST

SEN. STENEHJEM REQUESTED the Journal reflect he intended to vote YEA on HB 1078, which request was granted.

SECOND READING OF HOUSE BILL

HB 1152: A BILL for an Act to amend and reenact subsection 11 of section 65-01-02 of the North Dakota Century Code, relating to the definition of compensable injury for workers' compensation purposes; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

HB 1152 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1086: A BILL for an Act to amend and reenact subsection 6 of section 52-04-06 of the North Dakota Century Code, relating to the risk adjustment rate for unemployment compensation contributions.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

Engrossed HB 1086 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1087: A BILL for an Act to amend and reenact subsections 3 and 4 of section 52-04-05, section 52-04-08, and subsection 1 of section 52-04-11.1 of the North Dakota Century Code, relating to unemployment compensation employer industrial classification, employer experience record, employer experience record transfers, and corporate officer personal liability; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

Engrossed HB 1087 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1042: A BILL for an Act to amend and reenact section 10-30.1-04 of the North Dakota Century Code, relating to venture capital corporation incorporation.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

HB 1042 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1104: A BILL for an Act to amend and reenact sections 11-23-02 and 25-01.1-20, subsection 2 of section 27-17-02, section 36-15-06, subsection 3 of section 40-16-03, and sections 40-33-24, 40-33.1-08, 40-40-04, 40-61-07, and 61-24-10 of the North Dakota Century Code, relating to the duties of the state auditor; and to repeal sections 40-40-12 and 54-10-12 of the North Dakota Century Code, relating to the state auditor.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

HB 1104 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1207: A BILL for an Act to amend and reenact section 27-05.2-04 of the North Dakota Century Code, relating to receipt of fees and other moneys by clerks of district court and the creation of a special fund; to provide for a continuing appropriation; 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 43 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Nichols

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

HB 1207 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1374: A BILL for an Act relating to honorary high school diplomas for veterans; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

Engrossed HB 1374 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1471: A BILL for an Act to amend and reenact subsection 3 of section 52-04-05 of the North Dakota Century Code, relating to unemployment compensation employer rates; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Schobinger

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

HB 1471 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1128: A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to the display of cultural, legal, historical, and religious documents in public schools.

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 6 YEAS, 38 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dever; Mutch; Solberg; Stenehjem

NAYS: Bercier; Christenson; Christmann; Cook; Erbele; Espegard; Every; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Thane; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Flakoll; Krauter; Tallackson; Tollefson; Tomac

Engrossed HB 1128 lost.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1083, HB 1209.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1060, HB 1062, HB 1067, HB 1068, HB 1070, HB 1076, HB 1080, HB 1081, HB 1082, HB 1090, HB 1095, HB 1096, HB 1110, HB 1127, HB 1129, HB 1132, HB 1138, HB 1140, HB 1143, HB 1144, HB 1176, HB 1178, HB 1183, HB 1194, HB 1250, HB 1346, HB 1365.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2046.

HOUSE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 2046

Page 1, line 14, replace "under" with "in violation of"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2174, SB 2341.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2174

Page 1, line 1, replace "require" with "provide for"

Page 1, line 4, remove "**REQUIRED**" and replace "study" with "consider studying"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2341

Page 1, line 21, after "blood" insert ", marriage."

Page 6, line 11, after "blood" insert ", marriage."

Page 7, line 28, after "blood" insert ", marriage."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2093, SB 2112, SB 2122.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has passed unchanged: SB 2035, SB 2051, SB 2075, SB 2077, SB 2087, SB 2089, SB 2092, SB 2094, SB 2096, SB 2138, SB 2140, SB 2165, SB 2168, SB 2199, SB 2302, SB 2326, SB 2350.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass: SB 2050.

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 2, 2001, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4038: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4038 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4041: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4041 was placed on the Sixth order on the calendar.

Page 1, remove lines 7 through 12

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4045: 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). SCR 4045 was placed on the Sixth order on the calendar.

Page 1, line 24, replace "The legislative assembly" with "Real property used for conservation or wildlife purposes is not exempt from taxation unless an exemption is provided by the legislative assembly."

Page 1, remove line 25

Page 2, remove line 1

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4047: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4047 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1049, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1049 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "1-08-12," and after "4-30-03.9" insert ", 6-09.6-01.1, 6-09.6-01.2"

Page 1, line 4, after "40-63-09" insert ", 42-04-01"

Page 1, line 5, after "52-06-06.1" insert ", subsection 9 of section 54-40.1-02"

Page 1, after line 10, insert:

"SECTION 1. AMENDMENT. Section 1-08-12 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1-08-12. Alternative methods of signing, subscribing, or verifying documents filed by electronic means. A state agency, as defined in section ~~32-12.1-02~~ 44-08-04.2, charged by law with the duty of receiving signed, subscribed, or verified documents may accept such documents filed by electronic means, including telecommunications. The secretary of state shall adopt rules in the manner provided in chapter 28-32 to govern methods for signing, subscribing, or verifying documents filed by electronic means, except documents filed with the tax commissioner. A signature on a document filed by electronic means which is accepted by the state agency and complies with the rules of the secretary of state has the same validity and consequence as the actual signature and written declaration for a paper document."

Page 2, after line 6, insert:

"SECTION 3. AMENDMENT. Section 6-09.6-01.1 of the North Dakota Century Code is amended and reenacted as follows:

6-09.6-01.1. Developmentally disabled facility loan fund program no. 2. There is hereby created a developmentally disabled facility loan fund program no. 2 for the purpose of making loans to nonprofit corporations, organized in the localities in which facilities are proposed to be located, for project costs, including the cost of real estate, construction, reconstruction, acquisition, furnishings, and equipment, and administrative costs related to the establishment thereof, of facilities for developmentally disabled, chronically mentally ill, and physically disabled persons. The loan fund may borrow an amount not to exceed five million dollars from the common ~~school~~ schools trust fund to finance the program. The loan must be repaid from any moneys in the lands and minerals trust fund not otherwise appropriated. Any interest earned by the loan fund before loans are made must be credited by the Bank to the lands and minerals trust fund. The loan fund program must be administered by the Bank of North Dakota in the same manner the Bank administers the program established by sections 6-09.6-01 and 6-09.6-02 through 6-09.6-05, except that all payments of principal and interest must be credited by the Bank to the lands and minerals trust fund after the Bank has deducted a service fee for administering the program equivalent to an annual fee of one-half of one percent of the principal balance of the outstanding loans.

SECTION 4. AMENDMENT. Section 6-09.6-01.2 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-09.6-01.2. Developmentally disabled facility loan fund program no. 3. There is hereby created a developmentally disabled facility loan fund program no. 3 for the purpose of making loans to nonprofit corporations, organized in the localities in which facilities are proposed to be located, for project costs, including the cost of real estate, construction, reconstruction, acquisition, furnishings, and equipment, and administrative costs related to the establishment thereof, of facilities for developmentally disabled, chronically mentally ill, and physically disabled persons. The loan fund may borrow an amount not to exceed four million nine hundred fifty-one thousand one hundred forty-five dollars from the common ~~school~~ schools trust fund to finance the

program. The loan fund program shall be administered by the Bank of North Dakota in the same manner the Bank administers the program established by sections 6-09.6-01 and 6-09.6-02 through 6-09.6-05, except that all payments of principal and interest must be credited by the Bank to the lands and minerals trust fund after the Bank has deducted a service fee for administering the program equivalent to an annual fee of one-half of one percent of the principal balance of the outstanding loans."

Page 9, after line 8, insert:

"SECTION 16. AMENDMENT. Section 42-04-01 of the North Dakota Century Code is amended and reenacted as follows:

42-04-01. Agricultural operation defined. As used in this chapter, "agricultural operation" means the science and art of production of plants and animals useful to people, by a corporation or a limited liability company as allowed under chapter 10-06.1, or by a corporation or limited liability company, a partnership, or a proprietorship, and including, to a variable extent, the preparation of these products for people's use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products, and farm production."

Page 10, after line 31, insert:

"SECTION 21. AMENDMENT. Subsection 9 of section 54-40.1-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

9. "Regional council" means the council for comprehensive planning and development established in each region pursuant to ~~section 54-40-08~~ this chapter."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1077: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1077 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1160, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1160 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "sixty-five" with "seventy-five"

Page 1, line 10, replace "sixty-five" with "seventy-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1237, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1237 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1258: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1258 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1300, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1300 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1367, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT

AND NOT VOTING). Engrossed HB 1367 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 12.1-32-09.1 and" with "section"

Page 1, remove lines 4 through 19

Page 2, line 8, remove "or the total from all previous offenses including the present"

Page 2, line 9, remove "offense"

Page 3, line 13, after "gamma-butyrolactone" insert "or 1,4 butanediol or any substance that is an analog of gamma-hydroxybutyrate"

Renumber accordingly

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

WILLIAM R. HORTON, Secretary

