

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, March 8, 2001

The Senate convened at 1:00 p.m., with President Pro Tem Krebsbach presiding.

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

The roll was called and all members were present except Senators Dever, Erbele, Lee, and Wanzek.

A quorum was declared by the President Pro Tem.

## MOTION

**SEN. CHRISTMANN MOVED** that that 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 1031, as engrossed: SEN. WARDNER (Finance and Taxation Committee) MOVED** that the amendments on SJ page 729 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1031:** A BILL for an Act to amend and reenact subsection 1 of section 4-33-11, section 32-12.1-08, subsection 13 of section 40-49-12, section 40-55-09, subdivision a of subsection 2 of section 57-15-01.1, and sections 57-15-12, 57-15-12.1, 57-15-12.2, 57-15-12.3, 57-15-28.1, 57-15-36, and 57-15-60 of the North Dakota Century Code, relating to consolidation of property tax levy authority of park districts; to repeal section 57-15-37 of the North Dakota Century Code, relating to a tax levy for airport purposes in park districts; 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 44 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wardner; Watne

**NAYS:** Polovitz

**ABSENT AND NOT VOTING:** Dever; Erbele; Lee; Wanzek

Engrossed HB 1031, as amended, passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

**HB 1084, as engrossed: SEN. D. MATHERN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 729 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1084:** A BILL for an Act to amend and reenact section 52-02-17 of the North Dakota Century Code, relating to the job insurance trust fund and a report to the legislative council.

## 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; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wardner; Watne

**ABSENT AND NOT VOTING:** Dever; Erbele; Lee; Nelson, G.; Wanzek

Engrossed HB 1084, as amended, passed and the title was agreed to.

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#### **SECOND READING OF HOUSE BILL**

**HB 1064:** A BILL for an Act to amend and reenact section 57-51-02.2, subsection 2 of section 57-51-05, subsection 2 of section 57-51-09, section 57-51-19, subsections 3 and 10 of section 57-51.1-01, and subsection 3 of section 57-51.1-03 of the North Dakota Century Code, relating to publication of the gas base rate adjustment, tax payment, computation of tax on incorrect returns, time for claim of credits or refunds, and date limitations under the oil and gas gross production tax and 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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Dever; Erbele; Lee; Nelson, G.; Wanzek

HB 1064 passed and the title was agreed to.

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#### **SECOND READING OF HOUSE BILL**

**HB 1085:** A BILL for an Act to amend and reenact section 52-04-06.1 of the North Dakota Century Code, relating to impact project incremental bonds under the unemployment compensation system.

#### **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; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wardner; Watne

**ABSENT AND NOT VOTING:** Dever; Erbele; Lee; Nelson, G.; Wanzek

Reengrossed HB 1085 passed and the title was agreed to.

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#### **SECOND READING OF HOUSE BILL**

**HB 1126:** A BILL for an Act to create and enact section 43-10.1-03.1 of the North Dakota Century Code, relating to pre-need funeral contracts; to amend and reenact sections 43-10.1-01, 43-10.1-03, 43-10.1-04, 43-10.1-05, and 43-10.1-07.1 of the North Dakota Century Code, relating to pre-need funeral contracts; and to repeal section 23-06-03.1 of the North Dakota Century Code, relating to pre-need funeral 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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Dever; Erbele; Lee; Nelson, G.; Wanzek

Engrossed HB 1126 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1303:** A BILL for an Act to create and enact a new section to chapter 26.1-13 of the North Dakota Century Code, relating to county mutual insurance companies; and to amend and reenact sections 26.1-13-01 and 26.1-13-02 of the North Dakota Century Code, relating to county mutual insurance companies.

**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; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wardner; Watne

**ABSENT AND NOT VOTING:** Dever; Erbele; Lee; Nelson, G.; Wanzek

Engrossed HB 1303 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1325:** A BILL for an Act to amend and reenact subdivision j of subsection 2 of section 39-04-18 and subsection 1 of section 57-40.3-04 of the North Dakota Century Code, relating to motor vehicle excise tax exemptions for motor vehicles acquired or leased by disabled veterans; 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; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wardner; Watne

**ABSENT AND NOT VOTING:** Dever; Erbele; Lee; Nelson, G.; Wanzek

Engrossed HB 1325 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1290:** A BILL for an Act to amend and reenact subdivision e of subsection 5 of section 6-06-06 of the North Dakota Century Code, relating to the limitation on credit union investment in certain notes or bonds.

**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; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wardner; Watne

**ABSENT AND NOT VOTING:** Dever; Erbele; Lee; Nelson, G.; Wanzek

HB 1290 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1375:** A BILL for an Act to provide for disclosures of funds transfers by wire or automated clearinghouse to a financial institution and liability for funds transfers that are not authorized by the financial institution.

**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; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wardner; Watne

**ABSENT AND NOT VOTING:** Dever; Erbele; Lee; Nelson, G.; Wanzek

Engrossed HB 1375 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1450:** A BILL for an Act to create and enact a new subdivision to subsection 15 of section 52-01-01, a new subdivision to subsection 17 of section 51-01-01, and a new section to chapter 52-04 of the North Dakota Century Code, relating to definitions for unemployment compensation purposes and financing of benefits paid to employees of Indian tribes; 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; Bowman; Christenson; Christmann; Cook; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wardner; Watne

**NAYS:** Bercier

**ABSENT AND NOT VOTING:** Dever; Erbele; Lee; Nelson, G.; Wanzek

Engrossed HB 1450 passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2054 be moved to the top of the Twelfth order, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. STENEHJEM MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2054 as printed on SJ page 728 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2054: Sens. Stenehjem, Trenbeath, O'Connell.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2054 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2054:** Sens. Stenehjem; Trenbeath; O'Connell

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4046.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1029, HB 1030, HB 1063, HB 1192.

**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 1089.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1058, HB 1184, HB 1185, HCR 3024.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1103.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2068.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2064, SB 2123, SB 2141, SB 2153, SB 2185, SB 2286, SB 2448.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2148, SB 2197.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2197**

Page 1, line 1, after "11-07-04" insert "and section 44-02-05"

Page 1, line 2, after "commissioners" insert "and vacancies in boards of county commissioners"

Page 1, after line 20, insert:

**"SECTION 2. AMENDMENT.** Section 44-02-05 of the North Dakota Century Code is amended and reenacted as follows:

**44-02-05. Vacancy in board of county commissioners - How filled.** When a vacancy occurs in the board of county commissioners, the remaining members of the board, with the district judge ~~selecting~~ selected by the remaining county commissioners and auditor or the sheriff, immediately shall appoint some suitable person to fill the vacancy from the district in which the vacancy occurred. If a majority of the officers fails to agree upon a person to fill the vacancy, the county treasurer ~~shall~~, if the county does not have an elected treasurer, another elective county officer must be called in and shall act as an additional member of the board to fill the vacancy. The appointee holds office until the appointee's successor is elected at the next general election and qualified."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2148**

Page 4, line 29, after "superintendent" insert "after July 31, 2001"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass: SB 2440.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass: SB 2228, SB 2240.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1049 and HB 1053.

**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 9, 2001, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SCR 4036: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4036 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "section" with "sections" and after "12" insert "and 25"

Page 1, line 13, replace the first "section" with "sections" and after "12" insert "and 25"

Page 3, after line 21, insert:

**"SECTION 4. AMENDMENT.** Section 25 of article X of the Constitution of North Dakota is amended and reenacted as follows:

**Section 25.** The veterans' postwar trust fund ~~shall be~~ is a permanent trust fund of the state of North Dakota and ~~shall consist~~ consists of moneys transferred or credited to the fund as authorized by legislative enactment. ~~Investment of the fund shall be the responsibility of the state treasurer who~~ The official designated by the legislative assembly shall have full authority to invest the fund only in the same manner as the state investment board is authorized to make investments. All income received from investments ~~is to~~ must be utilized for programs ~~which must be~~ of benefit and service to veterans, who are defined by legislative enactment, or their dependents, and ~~such the~~ income is ~~hereby~~ appropriated to the administrative committee on veterans' affairs on a continuing basis for expenditure upon those programs selected at the discretion of the administrative committee on veterans' affairs."

Page 3, line 24, replace "4" with "5"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1027: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1027 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1028, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1028 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 6 of section 28-32-02 of the North Dakota"

Page 1, line 2, remove "Century Code or in the alternative to amend and reenact"

Page 1, remove lines 6 through 23

Page 2, remove lines 1 through 19

Page 2, line 24, after "agency" insert ", with the approval of the governor."

Page 2, line 30, remove "Within one hundred"

Page 2, remove line 31

Page 3, remove lines 1 through 6

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1044, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1044 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1047: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1047 was placed on the Sixth order on the calendar.

Page 2, line 4, replace "address" with "resolve"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1052, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1052 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1059: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1059 was placed on the Sixth order on the calendar.

Page 1, line 12, remove "method" and replace "federal income tax" with "state officer and employee"

Page 1, line 13, remove "purposes for business" and after "vehicle" insert "under section 54-06-09"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1142: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1142 was placed on the Sixth order on the calendar.

Page 1, line 14, remove "an individual", overstrike "who", and remove "is"

Page 1, line 15, overstrike "mentally retarded,", overstrike "hearing", remove "impaired", and overstrike ", deaf, deaf-blind, speech or language"

Page 1, line 16, overstrike "impaired, visually impaired," and overstrike "emotionally disturbed,"

Page 1, line 17, overstrike "orthopedically impaired,", remove "or", overstrike "autistic,", and after "or" insert "an individual with mental retardation, hearing impairment, deafness, deafness-blindness, a speech or language impairment, a visual impairment, emotional disturbance, and orthopedic impairment, or autism."

Page 1, line 19, replace "Child with disabilities" with "The term" and replace "a child aged" with "an individual who is at least eighteen but not yet twenty-one years of age and"

incarcerated in an adult correction facility unless, in the individual's last educational placement prior to incarceration, the individual was identified as being a child with a disability and had an individualized education program or services plan"

Page 1, remove lines 20 through 22

Page 1, line 23, remove "program"

Page 2, line 9, overstrike "who is mentally retarded, hearing impaired, deaf, deaf-blind,"

Page 2, overstrike line 10

Page 2, line 11, overstrike "orthopedically impaired, or autistic" and insert immediately thereafter "with mental retardation, hearing impairment, deafness, deafness-blindness, a speech or language impairment, a visual impairment, emotional disturbance, an orthopedic impairment, or autism"

Page 2, line 12, replace "Student with" with "The term does not include an individual who is at least eighteen but not yet twenty-one years of age and incarcerated in an adult correction facility unless, in the individual's last educational placement prior to incarceration, the individual was identified as being a student with a disability and had an individualized education program or services plan"

Page 2, remove lines 13 through 15

Page 2, line 16, remove "not have an individualized education program"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1186: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1186 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1208, as reengrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1208 was placed on the Sixth order on the calendar.

Page 1, line 2, after "testing" insert "; to provide an effective date; and to provide an expiration date"

Page 1, line 15, replace "Upon certification by the department that federal funds" with "The"

Page 1, remove line 16

Page 1, line 17, replace "for" with "of" and replace "violation" with "offense or attempted felony offense that is"

Page 1, line 18, remove the first "or", replace "section 12.1-22-01" with "12.1-22", and remove the second "chapter"

Page 2, after line 7, insert:

**"SECTION 2. EFFECTIVE DATE - GRANT APPLICATION.** The governor shall apply for grant funds available under the federal DNA Analysis Backlog Elimination Act of 2000 [Pub. L. 106-546; 114 Stat. 2726] and certify the offenses in section 31-13-03 as qualifying offenses. This Act becomes effective on the date the department of corrections and rehabilitation certifies to the secretary of state and the legislative council that the department will receive sufficient federal funding under the federal DNA Analysis Backlog Elimination Act for the expected costs created by this Act which are not otherwise collected from a different source.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2004, and after that date is ineffective."

Renumber accordingly



**REPORT OF STANDING COMMITTEE**

**HB 1218: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1218 was placed on the Sixth order on the calendar.

Page 2, line 5, overstrike "and" and insert immediately thereafter an underscored semicolon

Page 2, line 6, after "dollars" insert "; and an order for addiction evaluation by an appropriate licensed treatment program"

Page 2, line 10, after "sentence" insert ", except for ten days' imprisonment,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1225, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1225 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1301: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1301 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1310, as reengrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1310 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1363, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1363 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "A" with "B" and after "misdemeanor" insert "for the first offense"

Page 1, line 17, after "and" insert "a class A misdemeanor for a second or subsequent offense when the victim is an actor's family or household member as defined in subsection 4 of section 14-07.1-01 and"

Page 1, line 21, replace "section" with "subdivision"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1392: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1392 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1398, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1398 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "an" with "a sentenced"

Page 2, line 9, replace "may be disclosed to an" with "is an open record."

Page 2, remove line 10

Page 2, line 11, replace "inmate" with "a sentenced inmate's"

Page 2, line 13, replace "inmate" with "a sentenced inmate's"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1405: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1405 was placed on the Sixth order on the calendar.

Page 1, line 1, after "57-15-06.7" insert ", subsection 7 of section 57-15-20.2, sections 57-15-26.5, and 57-15-51"

Page 1, line 2, after "county" insert ", city, township, and rural ambulance service district"

Page 1, after line 8, insert:

**"SECTION 2. AMENDMENT.** Subsection 7 of section 57-15-20.2 of the North Dakota Century Code is amended and reenacted as follows:

7. A township levying a tax for ambulance service in accordance with section 57-15-51.1 may levy a tax not exceeding five ten mills.

**SECTION 3. AMENDMENT.** Section 57-15-26.5 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-26.5. General tax levy of rural ambulance service districts.** A rural ambulance service district may levy, in accordance with chapter 11-28.3, a tax not exceeding five ten mills on the taxable value of property within the district.

**SECTION 4. AMENDMENT.** Section 57-15-51 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-51. Levy authorized for city ambulance service.** Upon petition of ten percent of the number of qualified electors of the city voting in the last election for governor or upon its own motion, the governing body of ~~each a city in this state~~ shall levy annually a tax of not to exceed five ten mills upon its taxable valuation, for the purpose of subsidizing city ambulance services; provided, that such tax must be approved by a majority of the qualified electors of the city voting on the question at a regular or special city election. Whenever a tax for county ambulance services is levied by a county, any city levying a tax for, or subsidizing city ambulance services, shall upon written application to the county board of such county be exempted from such county tax levy. The city may set aside, as a depreciation expense, up to ten percent of its annual ambulance service operating or subsidization budget in a dedicated ambulance sinking fund, deposited with the auditor for replacement of equipment and ambulances. The ten percent ambulance sinking fund may be in addition to the actual annual ambulance budget but the total of the annual ambulance budget and the annual ten percent ambulance fund may not exceed the approved mill levy."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1413, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1413 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1453, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1453 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1475: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1475 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3018: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3018 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3023: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS,

0 ABSENT AND NOT VOTING). HCR 3023 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3029: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3029 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3047: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3047 was placed on the Tenth order on the calendar.

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

**WILLIAM R. HORTON, Secretary**

