

## JOURNAL OF THE SENATE

### Fifty-eighth Legislative Assembly

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**Bismarck, March 12, 2003**

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

The prayer was offered by Pastor Rick Fossum, McCabe United Methodist Church, Bismarck.

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

A quorum was declared by the President.

#### CONSIDERATION OF AMENDMENTS

**HB 1292: SEN. TAYLOR (Transportation Committee) MOVED** that the amendments on SJ page 723 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1043:** A BILL for an Act to amend and reenact subsection 4 of section 54-59-05 and sections 54-59-07, 54-59-11, and 54-59-14 of the North Dakota Century Code, relating to forms management, the state information technology advisory committee, the powers and duties of the information technology department, information technology plans, and the information technology operating account.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; 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; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Syverson

Engrossed HB 1043, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1106:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 10-06.1-10 and a new section to chapter 65-02 of the North Dakota Century Code, relating to valuation of certain farmland or ranchland acquired by certain nonprofit organizations and valuation of property of the workers compensation bureau; and to amend and reenact subsection 3 of section 57-02-08.1 and sections 57-12-09 and 57-14-07 of the North Dakota Century Code, relating to homestead tax credit forms, notice of increased assessment to real estate owners, and taxes on escaped real property.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; 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; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Syverson

HB 1106, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1279:** A BILL for an Act to create and enact a new subsection to section 43-33-14 of the North Dakota Century Code, relating to duties of the board of hearing aid specialists; and to amend and reenact section 43-33-01, subsection 2 of section 43-33-02, section 43-33-02.1, subsection 2 of section 43-33-03, section 43-33-04, subsection 2 of section 43-33-08, sections 43-33-10 and 43-33-11, subsection 2 of section 43-33-12, section 43-33-15, subsection 2 of section 43-37-03, and subdivision m of subsection 1 of section 43-46-01 of the North Dakota Century Code, relating to hearing aid specialists.

### ROLL CALL

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

**YEAS:** Andrist; Bercier; 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; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Syverson

HB 1279, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1378:** A BILL for an Act to provide for a study of the generation of electricity from the state's wind resource to produce hydrogen for fuel.

### ROLL CALL

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

**YEAS:** Andrist; Bercier; 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; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Syverson

Engrossed HB 1378, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1081:** A BILL for an Act to amend and reenact subsection 2 of section 14-02.5-09 of the North Dakota Century Code, relating to dwellings exempt from certain provisions of the 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; Bercier; 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; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Syverson

HB 1081 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1093:** A BILL for an Act to amend and reenact sections 54-06-30 and 54-06-31 of the North Dakota Century Code, relating to state employee bonus programs for performance and recruitment and retention programs; 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, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; 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; Robinson; Schobinger; Stenehjerm; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Espegard; Polovitz; Seymour

**ABSENT AND NOT VOTING:** Syverson

HB 1093 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1145:** A BILL for an Act to create and enact two new subsections to section 57-51-01 and a new section to chapter 57-51 of the North Dakota Century Code, relating to a temporary exemption from the gross production tax for gas produced from shallow gas wells; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Fairfield

**ABSENT AND NOT VOTING:** Syverson

Engrossed HB 1145 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1270:** A BILL for an Act to amend and reenact section 6-06-14 of the North Dakota Century Code, relating to reports of credit committees of credit unions.

**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; Bercier; 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; Stenehjerm; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Syverson

HB 1270 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1276:** A BILL for an Act to amend and reenact subdivision d of of subsection 8 of section 10-04-06 of the North Dakota Century Code, relating to securities exempt from registration.

#### 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; Bercier; 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; Stenehjerm; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Syverson

HB 1276 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1355:** A BILL for an Act to amend and reenact sections 6-03-13.6, 6-08-29, 7-02-15, and 47-10.2-05 of the North Dakota Century Code, relating to notice of mortgagee payment of interest on escrow account funds and statutory reference correction.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; 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; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Stenehjerm

**ABSENT AND NOT VOTING:** Syverson

HB 1355 passed and the title was agreed to.

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#### MOTION

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

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. TRAYNOR MOVED** that the Senate do concur in the House amendments to Engrossed SB 2038 as printed on SJ page 645, which motion prevailed on a voice vote.

Engrossed SB 2038, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2038:** A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to the confidentiality of records containing computer passwords and security information; 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; Bercier; 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; Stenehjerm; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Syverson

Reengrossed SB 2038 passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2099, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRENBEATH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2080 as printed on SJ page 645, which motion prevailed on a voice vote.

Engrossed SB 2080, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2080:** A BILL for an Act to amend and reenact sections 39-24-09 and 39-24-11 of the North Dakota Century Code, relating to snowmobile operation within the right of way of an interstate highway; to provide a penalty; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; 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; Stenehjerm; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Syverson

Reengrossed SB 2080 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FISCHER MOVED** that the Senate do concur in the House amendments to Engrossed SB 2115 as printed on SJ page 672, which motion prevailed on a voice vote.

Engrossed SB 2115, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2115:** A BILL for an Act to amend and reenact subsection 7 of section 49-02-02 of the North Dakota Century Code, relating to market monitoring information received from the market monitor of the midwest independent system operator, incorporated.

**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; Bercier; 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; Stenehjerm; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Syverson

Reengrossed SB 2115 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do concur in the House amendments to Engrossed SB 2046 as printed on SJ page 645, which motion prevailed on a voice vote.

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

#### **SECOND READING OF SENATE BILL**

**SB 2046:** A BILL for an Act to amend and reenact sections 4-30-48 and 6-03-13.6, subdivision b of subsection 3 of section 10-06.1-17, subsection 2 of section 10-19.1-146, subsection 21 of section 11-11-14, sections 11-28.2-01 and 12.1-12-02, subsection 5 of section 14-09-08.4, sections 14-09-08.13 and 14-09-08.14, subdivision e of subsection 5 of section 19-03.1-36, sections 20.1-02-05.1, 20.1-04-12.1, 20.1-08-04.6, 20.1-13-08, 20.1-13.1-09, 20.1-15-09, and 20.1-15-10, subsection 7 of section 21-03-07, section 23-02.1-16, subsection 6 of section 26.1-05-19, subsection 9 of section 26.1-06.1-02, subsection 4 of section 26.1-17-01, sections 26.1-26-31.8 and 26.1-36.5-01, subdivision e of subsection 4 of section 26.1-38.1-01, subsection 1 of section 29-06-15, subsection 9 of section 32-03.2-11, section 38-08-09.9, subsection 7 of section 40-63-07, subdivision e of subsection 1 of section 41-09-02, subsection 4 of section 43-17-07.1, subsection 2 of section 44-04-18, section 49-01-02, subsection 5 of section 54-52.1-01, and subsection 2 of section 57-02-26 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references.

#### **ROLL CALL**

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

**YEAS:** Andrist; Bercier; 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; Stenehjerm; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Syverson

Reengrossed SB 2046 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FISCHER MOVED** that the Senate do concur in the House amendments to SCR 4002 as printed on SJ page 672, which motion prevailed on a voice vote.

SCR 4002, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4002:** A concurrent resolution urging Congress to pay for depredation, personal injury damage, and property damage caused by elk that move from the Theodore Roosevelt National Park.

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

Engrossed SCR 4002 was declared adopted, and the title was agreed to on a voice vote.

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**MOTION**

**SEN. GRINDBERG MOVED** that the Senate reconsider its action whereby Engrossed HB 1405 passed, which motion prevailed on a verification vote.

**SECOND READING OF HOUSE BILL**

**HB 1405:** A BILL for an Act to amend and reenact subsection 1 of section 24-02-03.3 of the North Dakota Century Code, relating to vehicles under the control of the central vehicle management system.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, the roll was called and there were 25 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Christenson; Christmann; Erbele; Espegard; Every; Fairfield; Fischer; Heitkamp; Krauter; Kringstad; Lee, J.; Lindaas; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Taylor; Tollefson; Trenbeath

**NAYS:** Bowman; Brown; Cook; Dever; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lyson; Mutch; Schobinger; Seymour; Stenehjem; Thane; Traynor; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Syverson

Engrossed HB 1405 passed and the title was agreed to.

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**VOTING INTENTION**

**SEN. CHRISTMANN REQUESTED** that the record show he intended to vote NAY on Engrossed HB 1405, which request was granted.

**VOTING INTENTION**

**SEN. TRAYNOR REQUESTED** that the record show he intended to vote YEA on Engrossed HB 1405, which request was granted.

**VOTING INTENTION**

**SEN. KRINGSTAD REQUESTED** that the record show he intended to vote NAY on Engrossed HB 1405, which request was granted.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate reconsider its action whereby Engrossed HB 1405 passed, which motion prevailed on a voice vote.

**POINT OF ORDER**

**SEN. O'CONNELL RAISED** a Point of Order regarding the difference between a "statement of voting intention" and a "recorded vote."

**RULING BY THE PRESIDENT**

**PRESIDENT DALRYMPLE RULED** that the motion to reconsider the action whereby Engrossed HB 1405 passed was in order and Engrossed HB 1405 was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1405:** A BILL for an Act to amend and reenact subsection 1 of section 24-02-03.3 of the North Dakota Century Code, relating to vehicles under the control of the central vehicle management system.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, the roll was called and there were 17 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Christenson; Erbele; Espegard; Fairfield; Fischer; Lee, J.; Lindaas; Mathern; Nelson; Nichols; Polovitz; Robinson; Tallackson; Taylor; Traynor; Trenbeath

**NAYS:** Bercier; Bowman; Brown; Christmann; Cook; Dever; Every; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lyson; Mutch; Nething; O'Connell; Schobinger; Seymour; Stenehjem; Thane; Tollefson; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Syverson

Engrossed HB 1405 lost.

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#### MOTION

**SEN. HEITKAMP MOVED** that the Senate reconsider its action whereby Engrossed HB 1405 failed to pass, which motion prevailed on a verification vote.

#### SECOND READING OF HOUSE BILL

**HB 1405:** A BILL for an Act to amend and reenact subsection 1 of section 24-02-03.3 of the North Dakota Century Code, relating to vehicles under the control of the central vehicle management system.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 22 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Christenson; Erbele; Espgaard; Every; Fairfield; Fischer; Heitkamp; Krauter; Lee, J.; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Taylor; Traynor; Trenbeath

**NAYS:** Bowman; Brown; Christmann; Cook; Dever; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lyson; Mutch; Nething; Schobinger; Seymour; Stenehjem; Thane; Tollefson; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Syverson

Engrossed HB 1405 lost.

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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 2043, SB 2050, SB 2051, SB 2056, SB 2081, SB 2082, SB 2100, SB 2101, SB 2102, SB 2105, SB 2106, SB 2108, SB 2110, SB 2124, SB 2128, SB 2129, SB 2131, SB 2132, SB 2202, SB 2209, SB 2243, SB 2292, SB 2301, and SB 2309.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 12, 2003: SB 2037, SB 2040, SB 2062, SB 2066, SB 2067, SB 2069, SB 2073, SB 2159, SB 2256.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2037, SB 2040, SB 2062, SB 2066, SB 2067, SB 2069, SB 2073, SB 2159, SB 2256.

#### 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 1183, HB 1205, HB 1273.

#### 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 3010, HCR 3018.

#### 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 1393.

#### 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 2143.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1036, HB 1072, HB 1074, HB 1128, HB 1157, HB 1178, HB 1288, HB 1306, HB 1319, HB 1345, HB 1436, HB 1437, HCR 3012, HCR 3013, HCR 3021, HCR 3043, HCR 3051.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1029.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1035, HB 1102, HB 1148, HB 1343.

**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 1503.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1396.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1393.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SB 2213, SB 2266, SB 2341, SB 2367.

#### 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 1:00 p.m., Thursday, March 13, 2003, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1031: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1031 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1071: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1071 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1083, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1083 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1089, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1089 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1090, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1090 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1146: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1146 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1185: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1185 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1191: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1191 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1193: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1193 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1234, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1234 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

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

**REPORT OF STANDING COMMITTEE**

**HB 1259: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1259 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1267: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1267 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1296, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1296 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1338, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1338 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1362, 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 1362 was placed on the Sixth order on the calendar.

Page 1, line 2, after the fifth comma insert "45-10.1-01.2"

Page 33, line 8, remove the underscored colon

Page 33, line 9, remove "(1) An" and overstrike "original and two" and insert immediately thereafter ":

(1) Three"

Page 34, line 11, replace "Exempt" with "Confidential" and replace "of" with "or"

Page 34, line 13, replace "an exempt record as defined by subsection 5 of section" with "confidential"

Page 34, line 14, remove "44-04-17.1" and remove "take reasonable precautions to"

Page 34, line 15, remove "the secretary of state determines to"

Page 34, line 16, remove "be a closed record"

Page 102, line 22, remove the underscored colon

Page 102, line 23, remove "(1) An" and overstrike "original and two" and insert immediately thereafter ":

(1) Three"

Page 103, line 13, replace "Exempt" with "Confidential"

Page 103, line 15, replace "an exempt record as defined by subsection 5 of section" with "confidential"

Page 103, line 16, remove "44-04-17.1" and remove "take reasonable precautions to"

Page 103, line 17, remove "the secretary of state determines to"

Page 103, line 18, remove "be a closed record"

Page 130, line 15, remove the underscored colon

Page 130, line 16, remove "(1) An" and overstrike "original and two" and insert immediately thereafter ":

(1) Three"

Page 132, line 5, replace "Exempt" with "Confidential"

Page 132, line 7, replace "an exempt record as defined by subsection 5 of section" with "confidential"

Page 132, line 8, remove "44-04-17.1" and remove "take reasonable precautions to"

Page 132, line 9, remove "the secretary of state determines to"

Page 132, line 10, remove "be a closed record"

Page 138, after line 10, insert:

**"SECTION 119.** Section 45-10.1-01.2 of the North Dakota Century Code is created and enacted as follows:

45-10.1-01.2. Applicability of chapters 45-12 through 45-21.

1. In any case not provided for in this chapter, chapters 45-12 through 45-21 govern.
2. If applying chapters 45-12 through 45-21 to a limited partnership, all references in chapters 45-12 through 45-21 to a "partnership" refer to a "limited partnership".
3. If any provision of this chapter conflicts with chapters 45-12 through 45-21, the provision of this chapter takes precedence."

Page 142, line 31, replace "An original and two" with "Three"

Page 150, line 6, replace "Exempt" with "Confidential"

Page 150, line 8, replace "an exempt record as defined by subsection 5 of section" with "confidential"

Page 150, line 9, remove "44-04-17.1" and remove "take reasonable precautions to"

Page 150, line 10, remove "the secretary of state determines to"

Page 150, line 11, remove "be a closed record"

Page 175, line 7, remove the underscored colon

Page 175, line 8, remove "(1) An" and overstrike "original and two" and insert immediately thereafter ":

(1) Three"

Page 182, line 1, replace "Exempt" with "Confidential"

Page 182, line 3, replace "an exempt record as defined by subsection 5 of section" with "confidential"

Page 182, line 4, remove "44-04-17.1" and remove "take reasonable precautions to"

Page 182, line 5, remove "the secretary of state determines to"

Page 182, line 6, remove "be a closed record"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1374: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1374 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1457, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1457 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1481: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1481 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3069: Joint Constitutional Revision Committee (Sen. Tollefson, Chairman)** recommends **DO NOT PASS** (9 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3069 was placed on the Fourteenth order on the calendar.

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

**WILLIAM R. HORTON, Secretary**