

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, March 10, 2003

The Senate convened at 2:00 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor Bob Weiss, Bismarck Baptist Church, Bismarck.

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

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Espgaard, Chairman)** has carefully examined the Journal of the Second and Thirty-seventh Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 41, line 50, replace "S. Kelsh" with "R. Kelsch"

Page 629, line 34, after "Wolf" add ", Pierre Paul Lamoureux"

SEN. ESPEGARD MOVED that the report be adopted, which motion prevailed.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Cook, Chairman)** has cast a vote of 3 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING in favor of rejecting the introduction of a bill for an Act to create and enact a new section to title 26.1 and two new sections to title 51 of the North Dakota Century Code, relating to prohibitions on improper practices by insurance companies, price fixing, and certain automobile repair practices; and to provide a penalty.

CONSIDERATION OF AMENDMENTS

HB 1052: SEN. NETHING (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 685 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1035, as engrossed: SEN. NELSON (Judiciary Committee) MOVED that the amendments on SJ pages 684-685 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1102, as engrossed: SEN. NICHOLS (Finance and Taxation Committee) MOVED that the amendments on SJ pages 685-686 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1396: SEN. ERBELE (Agriculture Committee) MOVED that the amendments on SJ pages 687-688 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1148, as engrossed: SEN. FISCHER (Natural Resources Committee) MOVED that the amendments on SJ page 686 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1343, as engrossed: SEN. HEITKAMP (Natural Resources Committee) MOVED that the amendments on SJ pages 686-687 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1503: SEN. ERBELE (Agriculture Committee) MOVED that the amendments on SJ page 687 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4027: SEN. NETHING (Industry, Business and Labor Committee) MOVED that the amendments to SCR 4027 on SJ page 673 be laid on the table. Therefore, SCR 4027 was laid on the table.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4032: A concurrent resolution directing the Legislative Council to study perpetual and nonperpetual easements; the feasibility and desirability of enacting legislation authorizing perpetual conservation easements; and the modification, salability, and termination of existing perpetual easements.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed SCR 4032 was declared adopted, and the title was agreed to on a verification vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4031: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to the allocation of funds from settlements with tobacco product manufacturers for long-term water development and water management purposes.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Every; Fairfield; Fischer; Freborg; Heitkamp; Holmberg; Krauter; Kringstad; Lindaas; Mathern; Nething; O'Connell; Seymour; Tallackson; Taylor; Traynor; Wardner

NAYS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Flakoll; Grindberg; Kilzer; Klein; Lee, G.; Lee, J.; Lyson; Mutch; Nelson; Nichols; Polovitz; Robinson; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Trenbeath; Urlacher

ABSENT AND NOT VOTING: Krebsbach

SCR 4031 was declared lost on a roll call vote.

SECOND READING OF HOUSE BILL

HB 1065: A BILL for an Act to amend and reenact sections 65-01-02, 65-01-17, and 65-02-01.1 of the North Dakota Century Code, relating to changing the name of the workers compensation bureau to workforce safety and insurance; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 31 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Brown; Christmann; Cook; Dever; Espegard; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; O'Connell; Polovitz; Robinson; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Andrist; Bercier; Christenson; Erbele; Every; Fairfield; Krauter; Lindaas; Mathern; Nelson; Nichols; Schobinger; Seymour; Stenehjem; Tallackson

ABSENT AND NOT VOTING: Krebsbach

HB 1065, as amended, passed, the title was agreed to, but the emergency clause lost for lack of a two-thirds majority.

SECOND READING OF HOUSE BILL

HB 1100: A BILL for an Act to amend and reenact sections 54-10-21, 54-11-04, and 54-27-08 of the North Dakota Century Code, relating to the duties of the state auditor.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Krebsbach

Engrossed HB 1100, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1143: A BILL for an Act to create and enact three new sections to chapter 44-04 of the North Dakota Century Code, relating to confidentiality of public health and security system plans; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Krebsbach

Engrossed HB 1143, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. CHRISTMANN MOVED that HB 1029, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1414: A BILL for an Act to create and enact a new section to chapter 23-07 of the North Dakota Century Code, relating to reporting disease outbreaks to the state department of health in an emergency; to amend and reenact sections 23-07-02, 23-07.6-01, 23-07.6-02, 23-07.6-03, 23-07.6-04, 23-07.6-05, 23-07.6-06, 23-07.6-07, 23-07.6-08, 23-07.6-09, 23-07.6-10, 23-07.6-11, 23-07.6-12, subsection 8 of section 23-35-08, subdivision h of subsection 2 of section 23-35-12, and subsection 2 of section 40-06-01 of the North Dakota Century Code, relating to disease reporting and quarantine or isolation of persons infected or potentially infected with contagious diseases; and to provide a penalty.

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 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espesgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols;

O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Krauter; Mutch

ABSENT AND NOT VOTING: Bercier; Krebsbach

Engrossed HB 1414, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1075: A BILL for an Act to amend and reenact section 54-44.6-01 of the North Dakota Century Code, relating to the statewide forms management program.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Krebsbach

Engrossed HB 1075 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1076: A BILL for an Act to amend and reenact section 54-44.1-07 of the North Dakota Century Code, relating to the date by which appropriation and budget-related legislation must be submitted to the legislative council.

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; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Krebsbach

HB 1076 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1184: A BILL for an Act to create and enact a new section to chapter 13-03.1 and a new section to chapter 13-05 of the North Dakota Century Code, relating to consumer finance license renewals and subpoena powers for collection agency information; and to amend and reenact sections 13-04.1-05 and 13-05-05 of the North Dakota Century Code, relating to money broker and collection agency license renewals and renewal late fees.

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; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Krebsbach

HB 1184 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1220: A BILL for an Act to amend and reenact section 39-10-71 of the North Dakota Century Code, relating to the driver of a motor vehicle fleeing or attempting to elude a law enforcement officer.

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 24 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Christenson; Christmann; Cook; Espegard; Every; Fischer; Flakoll; Freborg; Holmberg; Kilzer; Klein; Lee, J.; Lindaas; Nelson; Nething; Nichols; Polovitz; Seymour; Syverson; Tallackson; Thane; Tollefson; Traynor

NAYS: Bercier; Bowman; Brown; Dever; Erbele; Fairfield; Grindberg; Heitkamp; Krauter; Kringstad; Lee, G.; Lyson; Mathern; Mutch; O'Connell; Robinson; Schobinger; Stenehjem; Taylor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Krebsbach

Engrossed HB 1220 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1297: A BILL for an Act to create and enact section 48-05-02.1 of the North Dakota Century Code, relating to the purchasing of coal for heating purposes by the state and political subdivisions.

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; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Polovitz

ABSENT AND NOT VOTING: Krebsbach

Engrossed HB 1297 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1346: A BILL for an Act to amend and reenact subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to motor vehicle registration fees for farm vehicles.

ROLL CALL

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

YEAS: Erbele

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

ABSENT AND NOT VOTING: Krebsbach

Engrossed HB 1346 lost.

SECOND READING OF HOUSE BILL

HB 1359: A BILL for an Act to create and enact a new section to chapter 39-22 of the North Dakota Century Code, relating to collector motor vehicle auctions; and to amend and reenact section 39-22-21 of the North Dakota Century Code, relating to the sale of consignment vehicles.

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; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Krebsbach

Engrossed HB 1359 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1380: A BILL for an Act to amend and reenact subsection 3 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis licenses to hunt deer.

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; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Krebsbach

HB 1380 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1386: A BILL for an Act to provide for a legislative council study of bonds required by law.

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, 0 NAYS, 0 EXCUSED, 2 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; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Krebsbach; Thane

Engrossed HB 1386 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1393: A BILL for an Act to create and enact a new section to chapter 15-11 of the North Dakota Century Code, relating to the naming of the Ralph Engelstad arena.

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

NAYS: Bercier; Christenson; Fairfield

ABSENT AND NOT VOTING: Krebsbach

HB 1393 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3002: A concurrent resolution directing the Legislative Council to study the total amount of tax-exempt property by county; the loss of tax revenues from flooded property and from previously taxable property that is purchased by tax-exempt entities, including ownership in trust for Indian tribes; and the impact of the tax status of these tax-exempt properties on the ability of local communities to provide social services, including child support enforcement services.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3002 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3026: A concurrent resolution directing the Legislative Council to study the use of E85 fuel by the state.

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3026 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3043: A concurrent resolution urging Congress to eliminate the estate tax.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3043 was declared lost on a verification vote.

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 1078, HB 1080, HB 1084, HB 1085, HB 1098, HB 1110, HB 1111, HB 1124, HB 1127, HB 1137, HB 1140, HB 1141, HB 1155, HB 1160, HB 1164, HB 1165, HB 1169, HB 1210, HB 1232, HB 1254, HB 1266, HB 1390, HB 1419, HB 1441, HCR 3003, HCR 3044.

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

MR. PRESIDENT: The Speaker has signed: SB 2050, SB 2129.

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

MR. PRESIDENT: The Speaker has signed: 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 2125, SB 2126, SB 2128, SB 2131, SB 2132, SB 2202, SB 2209, SB 2243, SB 2292, SB 2301, SB 2309.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 10, 2003: 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 2125, SB 2126, SB 2128, SB 2129, SB 2131, SB 2132, SB 2202, SB 2209, SB 2243, SB 2292, SB 2301, SB 2309.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2037, SB 2040, SB 2062, SB 2066, SB 2067, SB 2069, SB 2073, SB 2159, SB 2256.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1183, HB 1205, HB 1273, HCR 3010, HCR 3018.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1139, HB 1400.

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 1269.

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

MR. SPEAKER: The Senate has failed to pass: HB 1333, HCR 3057.

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

MR. PRESIDENT: The House has passed unchanged: SB 2179, SB 2205, SB 2206.

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., Tuesday, March 11, 2003, which motion prevailed.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 7, 2003, I have signed the following: SB 2034, SB 2047, SB 2075, SB 2078, SB 2091, SB 2092, and SB 2098.

REPORT OF STANDING COMMITTEE

HB 1036, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1036 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1043, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1043 was placed on the Sixth order on the calendar.

Page 2, line 12, remove the overstrike over "~~the commissioner of higher education or~~"

Page 2, line 13, remove the overstrike over "~~the commissioner's designee;~~"

Page 2, line 15, after "eight" insert "the attorney general or the attorney general's designee; the secretary of state or the secretary of state's designee; the tax commissioner or the

commissioner's designee; the chief justice of the supreme court or the chief justice's designee"

Page 2, line 17, replace "one member" with "two members"

Page 2, remove line 19

Page 2, line 20, remove "by elected officials."

Page 2, line 25, replace "member" with "members" and replace "is" with "are"

Page 2, line 27, remove the overstrike over "are" and remove "is"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1072, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1072 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1074: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1074 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1106: 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 1106 was placed on the Sixth order on the calendar.

Page 1, line 4, after "reenact" insert "subsection 3 of section 57-02-08.1 and"

Page 1, line 5, after the first "to" insert "homestead tax credit forms,"

Page 1, line 6, after "owners" insert a comma

Page 1, after line 16, insert:

"SECTION 2. AMENDMENT. Subsection 3 of section 57-02-08.1 of the North Dakota Century Code is amended and reenacted as follows:

3. All forms necessary to effectuate this section must be prescribed ~~and, designed, and made available~~ by the tax commissioner ~~who shall distribute annually an adequate supply of them to each county director of tax equalization.~~ The county directors of tax equalization shall make these forms available upon request."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1112, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1112 was placed on the Sixth order on the calendar.

Page 3, line 6, overstrike "or" and insert immediately thereafter an underscored comma, after "owned" insert an underscored comma, and after "emergency" insert an underscored comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1128: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1128 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1157: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1157 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1178: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1178 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1243, 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** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1243 was placed on the Sixth order on the calendar.

Page 5, line 3, replace "a" with "one" and after "joint" insert "on-line"

Page 9, line 13, replace "finding" with "grounds"

Page 10, line 26, replace "One" with "Five"

Page 11, line 12, remove "- Gift of ticket to minor"

Page 11, line 13, remove "permitted - Prize paid to parent or guardian or deposited in court"

Page 11, line 14, after "sold" insert "or given"

Page 11, line 15, after "sell" insert "or give"

Page 11, line 16, remove "A lottery ticket may be"

Page 11, remove lines 17 through 20

Page 12, line 7, remove "- Disposition of unclaimed prize"

Page 12, line 18, replace "Information" with "The following information" and remove ", including"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1279: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1279 was placed on the Sixth order on the calendar.

Page 7, line 3, remove "the North Dakota hearing aid society to"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1288: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1288 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1306: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1306 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1319, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1319 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1345, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1345 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1378, as engrossed: Natural Resources Committee (Sen. Fischer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1378 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "require" with "urge"

Page 1, line 7, remove "The institution selected by the board shall present its report to the"

Page 1, remove line 8

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1405, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1405 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1436, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1436 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1437, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1437 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3012: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3012 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3013: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3013 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3021: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3021 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3051, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3051 was placed on the Fourteenth order on the calendar.

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

WILLIAM R. HORTON, Secretary

