

## JOURNAL OF THE SENATE

## Fifty-eighth Legislative Assembly

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Bismarck, March 31, 2003

The Senate convened at 9:00 a.m., with President Dalrymple presiding.

The prayer was offered by Deacon Dennis Dean, St. John's Catholic Church, Lansford.

The roll was called and all members were present except Senators Fischer, Grindberg, and Urlacher.

A quorum was declared by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that HB 1035, HB 1037, HB 1051, HB 1197, HB 1218, HB 1269, HB 1414, and HB 1438 be moved to the top of the Twelfth order, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. TRAYNOR MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1035, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1035: Sens. Dever, Trenbeath, Nelson.

## APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. J. LEE MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1037, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1037: Sens. J. Lee, Brown, Fairfield.

## APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. TRAYNOR MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1051, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1051: Sens. Trenbeath, Traynor, Bercier.

## APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. FLAKOLL MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1197, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1197: Sens. Erbele, Urlacher, Nichols.

## APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. FISCHER MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1218, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1218: Sens. Lyson, Traynor, Every.

## APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. J. LEE MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1269, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1269: Sens. Erbele, Fischer, Polovitz.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. J. LEE MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1414, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1414: Sens. Fischer, Erbele, Polovitz.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. J. LEE MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1438, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1438: Sens. J. Lee, Brown, Fairfield.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2148 as printed on SJ pages 863-864 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 2148: Sens. Trenbeath, Lyson, Bercier.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2282 as printed on SJ pages 957-958 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 Reengrossed SB 2282: Sens. J. Lee, Fischer, Polovitz.

**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1138 and HB 1298 be moved to the bottom of the Sixth order, which motion prevailed.

**MOTION**

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

**CONSIDERATION OF AMENDMENTS**

**HB 1204, as engrossed: SEN. J. LEE (Political Subdivisions Committee) MOVED** that the amendments on SJ pages 984-986 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1204:** A BILL for an Act to create and enact two new sections to chapter 43-03 of the North Dakota Century Code, relating to regulation of landscape architects; to amend and reenact sections 43-03-01, 43-03-02, 43-03-08, 43-03-09, 43-03-10, 43-03-11, 43-03-12, 43-03-13, 43-03-16, 43-03-17, 43-03-18, 43-03-19, 43-03-20, 43-03-21, 43-03-22, and 43-03-23 of the North Dakota Century Code, relating to the registration of architects and landscape architects; and to provide a penalty.

**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, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Fischer; Grindberg; Urlacher

Engrossed HB 1204, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1372, as engrossed and amended: SEN. TRENBEATH (Transportation Committee) MOVED** that the amendments on SJ page 988 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1372:** A BILL for an Act to amend and reenact section 49-11-19 of the North Dakota Century Code, relating to obstructing a crossing by a train; and to provide a penalty.

**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, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Fischer; Grindberg; Urlacher

Engrossed HB 1372, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1179, as engrossed: SEN. KLEIN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 984 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1179:** A BILL for an Act to amend and reenact section 26.1-02-27 of the North Dakota Century Code, relating to disclosing nonpublic personal information.

**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, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Fischer; Grindberg; Urlacher

Engrossed HB 1179, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1291, as engrossed: SEN. ESPEGARD (Transportation Committee) MOVED** that the amendments on SJ pages 986-987 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1291:** A BILL for an Act to amend and reenact sections 49-09-04.2 and 49-09-04.3 of the North Dakota Century Code, relating to the abandonment and the sale of abandoned railroad right of way.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Flakoll; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Polovitz; Robinson;

Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Tollefson; Traynor; Trenbeath; Wardner

**NAYS:** Bowman; Freborg; Kilzer; Nichols; O'Connell; Thane

**ABSENT AND NOT VOTING:** Fischer; Grindberg; Urlacher

Engrossed HB 1291, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1477, as engrossed: SEN. MUTCH (Industry, Business and Labor Committee)**  
**MOVED** that the amendments on SJ pages 988-989 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1477:** A BILL for an Act to create and enact a new section to chapter 10-04 of the North Dakota Century Code, relating to securities privacy of information.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 21 YEAS, 23 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Christenson; Dever; Espegard; Every; Fairfield; Heitkamp; Holmberg; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor; Tollefson

**NAYS:** Bowman; Brown; Christmann; Cook; Erbele; Flakoll; Freborg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nothing; Schobinger; Stenehjerm; Syverson; Thane; Traynor; Trenbeath; Wardner

**ABSENT AND NOT VOTING:** Fischer; Grindberg; Urlacher

Engrossed HB 1477, as amended, lost.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2148 and SB 2282 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2148:** Sens. Trenbeath; Lyson; Bercier

**SB 2282:** Sens. J. Lee; Fischer; Polovitz

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1035:** Sens. Dever; Trenbeath; Nelson

**HB 1037:** Sens. J. Lee; Brown; Fairfield

**HB 1051:** Sens. Trenbeath; Traynor; Bercier

**HB 1197:** Sens. Erbele; Urlacher; Nichols

**HB 1218:** Sens. Lyson; Traynor; Every

**HB 1269:** Sens. Erbele; Fischer; Polovitz

**HB 1414:** Sens. Fischer; Erbele; Polovitz

**HB 1438:** Sens. J. Lee; Brown; Fairfield

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1309, HB 1439, and HCR 3037 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1309:** Reps. Belter; Grosz; Froelich

**HB 1439:** Reps. Weisz; Hawken; Zaiser

**HCR3037:** Reps. Grande; Kingsbury; Onstad

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 1:00 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Dalrymple presiding.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN****January 08, 2003**

Pursuant to North Dakota Century Code § 53-06.1-01.1, I am hereby nominating Mr. James Wang of Minnewaukan for re-appointment to the North Dakota Gaming Commission. His term would be from July 1, 2002 until July 1, 2005.

Pursuant to Article V, Section 8 of the North Dakota Constitution, I ask the Senate to confirm James Wang for this position on the North Dakota Gaming Commission within the first thirty days of the 2003 Legislative Session.

Thank you for your consideration.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN****January 08, 2003**

Pursuant to North Dakota Century Code § 53-06.1-01.1, I am hereby nominating Mr. Blake Krabseth of Minot to complete Allan Stenehjerm's un-expired term on the the North Dakota Gaming Commission. His term would be from January 7, 2002 until July 1, 2004.

Pursuant to Article V, Section 8 of the North Dakota Constitution, I ask the Senate to confirm Blake Krabseth for this position within the first thirty days of the 2003 Legislative Session.

Thank you for your consideration.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN****January 08, 2003**

Pursuant to North Dakota Century Code § 53-06.1-01.1, I am hereby nominating Mr. Charles Axtman of Jamestown to complete Carrol Torgerson's un-expired term on the the North Dakota Gaming Commission. His term ends July 1, 2003.

Pursuant to North Dakota Century Code § 53-06.1-01.1, I am also nominating Mr. Charles Axtman for reappointment to the the North Dakota Gaming Commission on July 1, 2003 for a term ending July 1, 2006.

Pursuant to Article V, Section 8 of the North Dakota Constitution, I ask the Senate to confirm Charles Axtman for these positions within the first thirty days of the 2003 Legislative Session.

Thank you for your consideration.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN****January 08, 2003**

Pursuant to North Dakota Century Code § 53-06.1-01.1, I am hereby nominating Ms. Sandi Frenzel of Dickinson for re-appointment to the the North Dakota Gaming Commission. Her term would be from July 1, 2000 until July 1, 2003.

Pursuant to North Dakota Century Code § 53-06.1-01.1, I am also nominating Sandi Frenzel for reappointment to the the North Dakota Gaming Commission on July 1, 2003 for a term ending July 1, 2006.

Pursuant to Article V, Section 8 of the North Dakota Constitution, I ask the Senate to confirm Sandi Frenzel for this position on the North Dakota Gaming Commission within the first thirty days of the 2003 Legislative Session.

Thank you for your consideration.

**CALENDAR**

HB 1043, HB 1112, and HB 1292 were placed at the top of the Twelfth order.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. KREBSBACH MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1043, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1043: Sens. Dever, Krebsbach, Nelson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. TRENBEATH MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1112, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1112: Sens. Nething, Espegard, Bercier.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. TRENBEATH MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1292, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1292: Sens. Trenbeath, Nething, Taylor.

**CONSIDERATION OF AMENDMENTS**

**HB 1138, as engrossed: SEN. ESPEGARD (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 983-984 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1138:** A BILL for an Act to create and enact section 26.1-22-21.1 of the North Dakota Century Code, relating to insurance broker of record; to amend and reenact sections 26.1-22-05, 26.1-22-10, and 26.1-22-21 of the North Dakota Century Code, relating to buildings insured by the state fire and tornado fund, optional coverage for the state mill and elevator association, and excess loss reinsurance; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Flakoll; Freborg; 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; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Tollefson

**ABSENT AND NOT VOTING:** Fischer; Grindberg

Engrossed HB 1138, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**HB 1298: SEN. LYSON (Judiciary Committee) MOVED** that the amendments on SJ page 987 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1298:** A BILL for an Act to amend and reenact section 5-01-17 of the North Dakota Century Code, relating to domestic winery licenses; 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 21 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Freborg; Krebsbach; Kringstad; Lyson; Mutch; Schobinger; Seymour; Stenehjerm; Syverson; Taylor; Thane; Tollefson; Traynor; Urlacher; Wardner

**NAYS:** Bercier; Brown; Christenson; Espegard; Every; Fairfield; Flakoll; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Lee, G.; Lee, J.; Lindaas; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Trenbeath

**ABSENT AND NOT VOTING:** Fischer; Grindberg

HB 1298, as amended, lost.

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**SECOND READING OF HOUSE BILL**

**HB 1190:** A BILL for an Act to create and enact a new subsection to section 26.1-40-15.2 and a new subsection to section 26.1-40-15.3 of the North Dakota Century Code, relating to uninsured and underinsured motorists; and to amend and reenact sections 26.1-41-20 and 39-05-20.2 of the North Dakota Century Code, relating to motor vehicle accidents and salvage certificates of title.

**MOTION**

**SEN. HEITKAMP MOVED** that Engrossed HB 1190, as amended, be further amended as follows:

Page 1, line 10, after the underscored period insert "However, if an insured prevails in an action resulting from denial of a claim for uninsured motorist benefits, the insured is entitled to an award of attorney's fees."

Page 1, line 17, after the underscored period insert "However, if an insured prevails in an action resulting from denial of a claim for underinsured motorist benefits, the insured is entitled to an award of attorney's fees."

Renumber accordingly

**REQUEST**

**SEN. HEITKAMP REQUESTED** a recorded roll call vote on the motion to adopt the proposed further amendments to Engrossed HB 1190, as amended, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the proposed further amendments to Engrossed HB 1190, as amended, the roll was called and there were 19 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Every; Fairfield; Flakoll; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor; Traynor

**NAYS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Freborg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Schobinger; Stenehjerm; Syverson; Thane; Tollefson; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Fischer; Grindberg

The proposed further amendments to Engrossed HB 1190, as amended, failed.

**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 25 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Christmann; Dever; Espegard; Every; Freborg; Holmberg; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Schobinger; Stenehjerm; Syverson; Tallackson; Thane; Tollefson; Trenbeath; Urlacher; Wardner

**NAYS:** Bercier; Christenson; Cook; Erbele; Fairfield; Flakoll; Heitkamp; Kilzer; Krauter; Lindaas; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Seymour; Taylor; Traynor

**ABSENT AND NOT VOTING:** Fischer; Grindberg

Engrossed HB 1190, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1278:** A BILL for an Act to amend and reenact section 24-07-06 of the North Dakota Century Code, relating to establishment of public road access to isolated tracts of land.

**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 40 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Erbele; Heitkamp; Krauter; O'Connell

**ABSENT AND NOT VOTING:** Fischer; Grindberg

Engrossed HB 1278, as amended, passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1425 be moved to the bottom of the Fourteenth order, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1461:** A BILL for an Act to amend and reenact subsection 2 of section 32-28-02 of the North Dakota Century Code, relating to exceptions from the requirement to publish notice of a change of name.

**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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Fischer; Grindberg

HB 1461, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1492:** A BILL for an Act to create and enact a new section to chapter 57-28 of the North Dakota Century Code, relating to filing of tax delinquencies in the central notice system; and to amend and reenact subsection 1 of section 54-09-09 and section 57-28-15 of the North Dakota Century Code, relating to bidders at annual sales of land acquired by tax deeds and tax delinquency filings in the central notice system.

**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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Fischer; Grindberg

Engrossed HB 1492, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1222:** A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to immunity for theft of anhydrous ammonia.

**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 9 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Erbele; Fairfield; Flakoll; Heitkamp; Klein; Krauter; O'Connell; Tallackson; Thane

**NAYS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Espesgard; Every; Freborg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Taylor; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Fischer; Grindberg

HB 1222 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1294:** A BILL for an Act to amend and reenact section 15.1-06-05 of the North Dakota Century Code, relating to the reconfiguration of instructional days for schools.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 16 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Brown; Cook; Espesgard; Fairfield; Flakoll; Krebsbach; Lee, J.; Mathern; Nelson; O'Connell; Schobinger; Seymour; Tallackson; Taylor; Trenbeath; Wardner

**NAYS:** Andrist; Bercier; Bowman; Christenson; Christmann; Dever; Erbele; Every; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Kringstad; Lee, G.; Lindaas; Lyson; Mutch; Nething; Nichols; Polovitz; Robinson; Stenehjerm; Syverson; Thane; Tollefson; Traynor; Urlacher

**ABSENT AND NOT VOTING:** Fischer; Grindberg

HB 1294 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1296:** A BILL for an Act to amend and reenact subsection 1 of section 15.1-21-12 of the North Dakota Century Code, relating to the reporting of professional development funds and expenditures by school districts.

**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 30 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espesgard; Fairfield; Flakoll; Freborg; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Mutch; Nelson; Nething; Nichols; Schobinger; Seymour; Stenehjerm; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Bercier; Christenson; Every; Heitkamp; Holmberg; Kilzer; Krauter; Lindaas; Lyson; Mathern; O'Connell; Polovitz; Robinson; Syverson; Tallackson

**ABSENT AND NOT VOTING:** Fischer; Grindberg

Engrossed HB 1296 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1301:** A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to the sale of bidis or beedies; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Every; Fairfield; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; Polovitz; Robinson; Schobinger; Stenehjerm; Tallackson; Taylor; Thane; Traynor; Urlacher; Wardner

**NAYS:** Espegard; Lee, J.; Nichols; O'Connell; Seymour; Syverson; Tollefson; Trenbeath

**ABSENT AND NOT VOTING:** Fischer; Grindberg

Engrossed HB 1301 passed and the title was agreed to.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1296, HB 1301.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1179, HB 1190, HB 1204, HB 1278, HB 1291, HB 1372, HB 1461, HB 1492.

**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 1138.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1222, HB 1294.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed: HB 1298, HB 1477.

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1043:** Sens. Dever; Krebsbach; Nelson

**HB 1112:** Sens. Nothing; Espegard; Bercier

**HB 1292:** Sens. Trenbeath; Nothing; Taylor

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2060, SB 2095, SB 2096, SB 2331, SB 2368.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2085, SB 2404.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2029, SB 2045, SB 2086, SB 2188.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2029**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 54-03-28 of the North Dakota Century Code, relating to legislative measures mandating health insurance coverage of services.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 54-03-28 of the North Dakota Century Code is amended and reenacted as follows:

**54-03-28. Health insurance mandated coverage of services - Cost-benefit analysis requirement.**

1. A legislative measure mandating health insurance coverage of services or payment for specified providers of services may not be acted on by any committee of the legislative assembly unless the measure is accompanied by a cost-benefit analysis provided by the legislative council. Factors to consider in this analysis include:
  - a. The extent to which the proposed mandate would increase or decrease the cost of the service.
  - b. The extent to which the proposed mandate would increase the appropriate use of the service.
  - c. The extent to which the proposed mandate would increase or decrease the administrative expenses of insurers and the premium and administrative expenses of insureds.
  - d. The impact of the proposed mandate on the total cost of health care.
2. A legislative measure mandating health insurance coverage of services or payment for specified providers of services may not be acted on by any committee of the legislative assembly unless the measure as recommended by the committee provides:
  - a. The measure is effective through June thirtieth of the next odd-numbered year following the year in which the legislative assembly enacted the measure, and after that date the measure is ineffective.
  - b. The application of the mandate is limited to the public employees health insurance program and the public employee retiree health insurance program. The application of such mandate begins with every contract for health insurance which becomes effective after June thirtieth of the year in which the measure becomes effective.
  - c. That for the next legislative assembly, the public employees retirement system shall prepare and request introduction of a bill to repeal the expiration date and to extend the mandated coverage or payment to apply to accident and health insurance policies. The public employees retirement system shall append to the bill a report regarding the effect of the mandated coverage or payment on the system's health insurance programs. The report must include information on the utilization and costs relating to the mandated coverage or payment and a recommendation on whether the coverage or payment should continue. For purposes of this section, the bill is not a legislative measure mandating health insurance coverage of services or payment for specified providers of services, unless the bill is amended following introduction so as to change the bill's mandate.
3. A majority of the members of the committee, acting through the chairman, has sole authority to determine whether a legislative measure mandates coverage of services under this section.
- ~~3.~~ 4. Any amendment made during a legislative session to a measure which mandates health insurance coverage of services may not be acted on by a committee of the legislative assembly unless the amendment is accompanied by a cost-benefit analysis provided by the legislative council.
4. ~~5.~~ The legislative council shall contract with a private entity, after receiving one or more recommendations from the insurance commissioner, to provide the cost-benefit analysis required by this section. The insurance

commissioner shall pay the cost of the contracted services to the entity providing the services."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2045**

Page 2, line 9, after "days" insert ", exclusive of weekends and holidays."

Page 2, line 14, after "days" insert ", exclusive of weekends and holidays."

Page 2, line 21, after "days" insert ", exclusive of weekends and holidays."

Page 3, line 19, after "days" insert ", exclusive of weekends and holidays."

Renumber accordingly

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2086**

Page 2, line 3, after "of" insert "one voting member appointed by the governor,"

Page 2, line 4, after the second "department" insert a comma

Page 2, line 18, remove "Fees for services must be based on"

Page 2, remove line 19

Page 4, line 12, replace "as interim final rules without" with "through"

Page 4, line 13, remove "approval of the governor and without a finding that", replace "is" with "process, if", and remove "Any"

Page 4, remove lines 14 and 15

Page 4, line 17, remove "quarterly"

Page 5, line 1, replace "March 1, 2005" with "October 1, 2004"

Page 5, line 2, replace "North Dakota association of community" with "service providers"

Page 5, line 3, remove "facilities", remove "by January 1, 2005,", and replace "and" with a period

Page 5, remove lines 4 through 6

Renumber accordingly

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2086**

In addition to the amendments adopted by the House as printed on page 1025 of the House Journal, Reengrossed Senate Bill No. 2086 is further amended as follows:

Page 1, line 7, remove "to provide an appropriation;"

Page 4, remove lines 23 through 29

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment removes the \$21,000 general fund appropriation and \$21,000 special funds appropriation provided to the Department of Human Services for hiring a facilitator and a consultant relating to a new fee-for-service payment system for developmental disabilities services providers.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2188**

Page 1, line 17, after "applicant's" insert "written"

Page 1, line 21, remove "Immunity -"

Page 1, line 23, after "agency's" insert "written"

Page 2, line 3, after "agency's" insert "written"

Page 2, line 4, remove "A child-placing agency is not civilly or criminally liable for refusing to"

Page 2, remove line 5

Page 2, line 6, remove "the agency's religious or moral convictions or policies."

Page 2, line 8, after "agency's" insert "written"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2065, SB 2255, SB 2394, SCR 4001, SCR 4029.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2065**

Page 1, line 21, remove "The superintendent of public instruction may not administer the"

Page 1, remove line 22

Page 2, remove lines 1 through 6

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2255**

Page 1, line 18, after "on" insert "a free trial newspaper subscription or on"

Page 2, line 9, after "written" insert "request, consent," and after "invitation" insert a comma

Page 2, after line 30, insert:

"f. By or on behalf of a political party, candidate, or other group with a political purpose, as defined in section 16.1-08.1-01."

Page 3, line 29, replace "no-call" with "do-not-call"

Page 4, line 5, replace "is" with ", for at least ninety days before the date the call is made, has been"

Page 4, line 6, replace "no-call" with "do-not-call", after "maintained" insert "or used by the attorney general", and after "51-26-09" insert "or the national do-not-call registry established and maintained by the federal trade commission under title 16, Code of Federal Regulations, part 310"

Page 4, line 14, replace "**no-call**" with "**do-not-call**", after "**list**" insert "**- Federal trade commission do-not-call registry**", and after the second boldfaced period insert:

"1."

Page 4, line 17, after "list" insert "or by using the national do-not-call registry established and maintained by the federal trade commission under title 16, Code of Federal Regulations, part 310"

Page 4, line 18, replace "no-call" with "do-not-call"

Page 4, line 21, replace "1." with "a."

Page 4, line 26, replace "2." with "b." and replace "shall be" with "is"

Page 4, line 30, replace "3." with "c."

Page 4, line 31, replace the first "or" with a comma and after "telephone" insert a comma

Page 5, line 1, replace "4." with "d."

Page 5, replace line 5 with:

"e. The"

Page 5, remove line 6

Page 5, line 7, remove "subscribers who object to receiving telephone solicitations, the"

Page 5, line 8, after "include" insert "in the list established under this section" and after "national" insert "do-not-call registry established and maintained by the federal trade commission under title 16, Code of Federal Regulations, part 310"

Page 5, line 9, remove "list in the list established under this section" and replace "also" with "provide to the federal trade commission the telephone numbers of North Dakota subscribers who are in the attorney general's do-not-call list or who have otherwise notified the attorney general of the subscriber's objection to receiving telephone solicitations for inclusion in the national do-not-call registry."

Page 5, remove lines 10 through 12

Page 5, line 13, replace "6." with "f."

Page 5, replace lines 17 through 22 with:

- "2. Notwithstanding any other provision of this chapter, the attorney general may designate the national do-not-call registry established and maintained by the federal trade commission under title 16, Code of Federal Regulations, part 61, as the state do-not-call list."

Renumber accordingly

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2394**

Page 1, line 16, replace "or" with an underscored comma

Page 1, line 17, after "establishment" insert ", or any other abode"

Page 2, line 27, replace "office" with "offices"

Page 2, line 28, after "incurred" insert "in performing those duties"

Page 3, line 1, replace "Before" with "Not later than" and replace "2004" with "2006"

Page 3, line 7, replace "2000 and 2002" with "the two previous election years"

Page 3, line 9, replace "2000 and 2002" with "the two previous election years"

Page 3, line 10, after "either" insert "of", replace "election" with "elections", and replace "2000 or 2002" with "the two previous election years"

Page 3, line 12, after "either" insert "of", replace "election" with "elections", and replace "2000 or 2002" with "the two previous election years"

Page 3, line 17, replace "2000 and 2002" with "the two previous election years"

Page 3, line 24, replace "2000" with "the two previous election years"

Page 3, line 25, remove "and 2002"

Page 5, line 6, replace "city" with "address"

Page 9, line 7, after the second underscored comma insert "city or township, school district, county commissioner district, if applicable,"

Page 9, line 11, replace "maintenance" with "administration"

Page 9, after line 24, insert:

- "3. The complete mailing address of the individual, if different from the individual's residential address."

Page 9, line 25, replace "3." with "4."

Page 9, remove lines 26 through 29

Page 10, line 1, after the second underscored comma insert "city or township, school district, county commissioner district, if applicable,"

Page 10, line 4, replace "maintenance" with "administration"

Page 10, line 31, after the underscored comma insert "except if the suspected violation may have been committed by the county auditor, in which case the report must be immediately transmitted to the state's attorney,"

Page 12, after line 4, insert:

"e. The individual offering to vote fails or refuses to provide an appropriate form of identification as requested under subsection 3."

Page 12, line 8, after "identification" insert "is not" and after "provided" insert "or"

Page 13, line 23, remove "which displays the individual's date of birth" and after the underscored period insert "If an individual offering to vote fails or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged according to section 16.1-05-06 if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct."

ReNUMBER accordingly

#### **HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4001**

Page 1, line 1, replace "the feasibility and desirability" with "the delivery of services and the cost versus benefit of those services provided by the eight human service centers, consider the possibility of combining service centers and the administrative costs of the centers related to the programs and clients served, and study third-party reimbursements and competition with private providers."

Page 1, remove line 2

Page 1, line 5, replace "unique" with "specific"

Page 1, line 7, replace "vary" with "are similar"

Page 1, replace lines 9 through 12 with:

**"WHEREAS**, human service centers accept third-party private reimbursement and compete against private providers for the same services and clients; and

**WHEREAS**, the human service centers currently share administrators;"

Page 1, replace lines 15 through 17 with:

"That the Legislative Council study the delivery of services and the cost versus benefit of those services provided by the eight human service centers, consider the possibility of combining service centers and the administrative costs of the centers related to the programs and clients served, and study third-party reimbursements and competition with the private providers; and"

ReNUMBER accordingly

#### **HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4029**

Page 1, line 2, after the third comma insert "cultural understanding,"

Page 2, line 4, after the second comma insert "cultural understanding,"

ReNUMBER accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2409.

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2409**

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "16.1-06" insert ", and a new section to chapter 16.1-13"

Page 1, line 3, replace "and adopting rules to establish" with ", the establishment of"

Page 1, line 4, after "systems" insert ", and the casting of ballots after poll closings"

Page 1, line 6, after the sixth comma insert "16.1-06-19,"

Page 5, line 13, replace "adopt rules for the purpose of establishing" with "establish"

Page 5, line 14, replace "may adopt rules" with "shall"

Page 5, line 15, remove "according to subsection 3 of section 16.1-01-01 to"

Page 16, line 5, replace "2007" with "2006" and after the underscored period insert:

**"SECTION 17. AMENDMENT.** Section 16.1-06-19 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-06-19. Instructions, advertisements, maps, and ballots posted in polling places.** Each county auditor shall have cards printed, in large type, containing full instructions to electors on obtaining and ~~preparing~~ voting ballots and a copy of section 16.1-01-12, any federal laws regarding prohibitions on acts of fraud and misrepresentations, and general information on voting rights under applicable federal and state laws, including instructions on how to contact the appropriate officials if these rights are alleged to have been violated. The county auditor shall furnish ten such cards to the election inspector in each election precinct who, ~~prior to~~ before the opening of the polls, shall post at least one of the cards in each booth or compartment provided for the preparation of ballots and at least three of the cards in and about the polling place. Three of the official ballots without the official stamp thereon must be posted conspicuously in the polling place on the morning of the election. The county auditor, at the time of delivering the ballots to the inspector of elections in each precinct, shall deliver at least five copies of the newspaper publication or other copy of the complete text of any constitutional amendment or initiated or referred measure to such inspector of elections. Not less than three of ~~such the~~ newspaper publications or copies must be posted conspicuously in the polling place on the morning of the election. Each county auditor shall furnish the election inspector in each precinct with four copies of a map showing the election precinct's boundaries and information regarding the date of the election and the hours during which polling places will be open. The inspector shall, ~~prior to~~ before the opening of the polls, post the maps and information regarding the date of the election and the hours during which polling places will be open at the entry to and in other conspicuous places around the polling place."

Page 18, line 27, after "each" insert "one hundred"

Page 18, line 30, overstrike "for each two hundred electors or"

Page 18, line 31, overstrike "fraction thereof" and overstrike "the" and insert immediately thereafter "each"

Page 19, after line 13, insert:

**"SECTION 26.** A new section to chapter 16.1-13 of the North Dakota Century Code is created and enacted as follows:

Voters casting ballots after regular poll closings - Provisional ballots. An individual who votes after the regular poll closing time in an election in which a federal office appears as a result of a federal or state court order or any other order extending the time established for closing the polls under state law in effect ten days before the date of that election may only vote in that election by casting a provisional ballot. The ballot must be marked as a provisional ballot and must be separated and held apart from other ballots cast by those not affected by the order. The secretary of state shall approve the form of any provisional ballot and may prescribe any procedures the secretary of state determines to be necessary to facilitate the casting, secrecy, and counting of provisional ballots."

Renumber accordingly



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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2345, SB 2418.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2345**

Page 1, line 1, after "25-03.1-04" insert ", subsection 3 of section 25-03.1-21, and subsection 1 of section 25-03.1-26"

Page 1, line 2, replace "the preparation of health care directives" with "the disclosure of health information and mental health commitment procedures"

Page 1, after line 23, insert:

**"SECTION 2. AMENDMENT.** Subsection 3 of section 25-03.1-21 of the North Dakota Century Code is amended and reenacted as follows:

3. If a peace officer, physician, psychiatrist, clinical psychologist, or any mental health professional reasonably believes that the respondent is not complying with an order for alternative treatment or that the alternative treatment is not sufficient to prevent harm or injuries to the respondent or others, and that considerations of time and safety do not allow intervention by a court, the designated professional may cause the respondent to be taken into custody and detained at a treatment facility as provided in subsection 3 of section 25-03.1-25 and, within twenty-four hours, exclusive of weekends and holidays, shall file a notice with the court stating the circumstances and factors of the case. The state hospital or public treatment facility must immediately accept, and a private treatment facility may accept, the respondent on a provisional basis. The superintendent or director shall require an immediate examination of the respondent and, within twenty-four hours after admission, exclusive of weekends and holidays, shall either release the respondent subject to the conditions of the original order or file a notice with the court stating in detail the circumstances and factors of the case. The court shall, within forty-eight hours of receipt of the notice of the superintendent or director, after a hearing and based on the evidence presented and other available information:
  - a. Release the individual from hospitalization and continue the alternative treatment order;
  - b. Consider other alternatives to hospitalization, modify its original order, and direct the individual to undergo another program of alternative treatment for the remainder of the commitment period; or
  - c. Enter a new order directing that the respondent remain hospitalized until discharged from the hospital under section 25-03.1-30.

**SECTION 3. AMENDMENT.** Subsection 1 of section 25-03.1-26 of the North Dakota Century Code is amended and reenacted as follows:

1. A public treatment facility immediately shall accept and a private treatment facility may accept on a provisional basis the application and the person admitted under section 25-03.1-25. The superintendent or director shall require an immediate examination of the subject and, within twenty-four hours after admission, exclusive of weekends and holidays, shall either release the person if the superintendent or director finds that the subject does not meet the emergency commitment standards or file a petition if one has not been filed with the court of the person's residence or the court which directed immediate custody under subsection 2 of section 25-03.1-25, giving notice to the court and stating in detail the circumstances and facts of the case."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2418**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the creation of a select committee to study the No Child Left Behind Act of 2001."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:****SECTION 1. NO CHILD LEFT BEHIND COMMITTEE - APPOINTMENT - POWERS.**

1. The legislative council shall appoint a select committee consisting of five members of the senate and eight members of the house of representatives for the purpose of:
  - a. Monitoring the implementation of the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301 et seq.] and the promulgation of federal regulations implementing the Act;
  - b. Determining the direct and indirect impact of the Act and its regulations on the schools and school districts of this state;
  - c. Determining the financial impact of the Act and its regulations on the budget of this state and on the taxpayers of this state; and
  - d. Monitoring the development and implementation by the superintendent of public instruction of all rules related to or required by the Act.
2. The legislative council shall designate the chairman and vice chairman of the committee.
3. The committee shall operate under the rules applicable to other legislative council interim committees.
4. The committee shall report its findings and recommendations to the legislative council, and the legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly."

Renumber accordingly

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

**MR. PRESIDENT:** The House has failed to pass: SB 2026, SB 2260, SB 2398, SCR 4028, SCR 4032.

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

**MR. PRESIDENT:** The House has failed to pass: SB 2417.

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2314.

**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 8:00 a.m., Tuesday, April 1, 2003, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1047, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (6 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1047, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1068: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1068 was placed on the Sixth order on the calendar.

to the issuance, manufacture, and use of false academic degrees or certificates; and to provide a penalty.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 15-20.4 of the North Dakota Century Code is created and enacted as follows:

**Unlawful to issue, manufacture, or use false academic degrees - Penalty.**

1. It is unlawful for a person to knowingly issue or manufacture a false academic degree. A person that violates this subsection is guilty of a class C felony.
2. a. It is unlawful for an individual to knowingly use or claim to have a false academic degree:
  - (1) To obtain employment;
  - (2) To obtain a promotion of higher compensation in employment;
  - (3) To obtain admission to an institution of higher learning; or
  - (4) In connection with any business, trade, profession, or occupation.
- b. An individual who violates this subsection is guilty of a class A misdemeanor.
3. As used in this section, "false academic degree" means a document such as a degree or certification of completion of a degree, coursework, or degree credit, including a transcript, that provides evidence or demonstrates completion of a course of instruction or coursework that results in the attainment of a rank or level of associate or higher which is issued by a person that is not a duly authorized institution of higher learning.
4. As used in this section, "duly authorized institution of higher learning" means an institution that:
  - a. Has accreditation recognized by the United States secretary of education or has the foreign equivalent of such accreditation;
  - b. Has an authorization to operate under this chapter;
  - c. Operates in this state and is exempt from this chapter under section 15-20.4-02;
  - d. Does not operate in this state and is:
    - (1) Licensed by the appropriate state agency; and
    - (2) An active applicant for accreditation by an accrediting body recognized by the United States secretary of education; or
  - e. Has been found by the state board for career and technical education to meet standards of academic quality comparable to those of an institution located in the United States that has accreditation recognized by the United States secretary of education to offer degrees of the type and level claimed.

**SECTION 2.** A new section to chapter 15-20.4 of the North Dakota Century Code is created and enacted as follows:

**Unlawful to use degree or certificate when coursework not completed - Penalty.**

1. An individual may not knowingly use a degree, certificate, diploma, transcript, or other document purporting to indicate that the individual has completed an organized program of study or completed courses when the individual has not completed the organized program of study or the courses as indicated on the degree, certificate, diploma, transcript, or document:
  - a. To obtain employment;
  - b. To obtain a promotion or higher compensation in employment;
  - c. To obtain admission to an institution of higher learning; or
  - d. In connection with any business, trade, profession, or occupation.
2. An individual who violates this section is guilty of a class A misdemeanor.

**SECTION 3.** A new section to chapter 15-20.4 of the North Dakota Century Code is created and enacted as follows:

**Consumer protection - False academic degrees.** The state board for career and technical education, in collaboration with the North Dakota university system, shall provide via internet web sites, information to protect students, businesses, and others from persons that issue, manufacture, or use false academic degrees."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1086, as reengrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1086 was placed on the Sixth order on the calendar.

Page 1, line 15, after "improvement" insert "for six consecutive years"

Page 2, line 7, after the period insert "These transportation costs are not reimbursable through state transportation funds."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1107: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1107 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1430, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1430, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1471, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1471, as amended, was placed on the Fourteenth order on the calendar.

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

**WILLIAM R. HORTON, Secretary**