

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, March 5, 2003

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

The prayer was offered by Pastor Dom Vetter, Word of Faith Church, Bismarck.

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

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 Thirty-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 640, line 4, replace "placed on the Fourteenth order" with "**REREFERRED to the Appropriations Committee**"

Page 640, line 8, replace "**REREFERRED to the Appropriations Committee**" with "placed on the Fourteenth order"

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

MOTION

SEN. CHRISTMANN MOVED that SCR 4032, which is on the Sixth order, be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SCR 4032 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that HB 1350 be moved to the bottom of the Fourteenth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1051, as engrossed: SEN. TRENBEATH (Judiciary Committee) MOVED that the amendments on SJ page 646 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1115, as engrossed: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 647 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1142, as engrossed: SEN. ESPEGARD (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 647 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4017: A concurrent resolution for the amendment of section 18 of article X of the Constitution of North Dakota, relating to the giving of credit or donations by the state and political subdivisions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Every; Heitkamp; Klein; Krauter; Mutch; Nelson; Nichols; Robinson; Tallackson; Taylor; Thane; Trenbeath

NAYS: Brown; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.;

Lindaas; Lyson; Mathern; Nething; O'Connell; Polovitz; Schobinger; Seymour; Stenehjerm; Syverson; Tollefson; Traynor; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

Engrossed SCR 4017 lost on a roll call vote.

SECOND READING OF HOUSE BILL

HB 1443: A BILL for an Act to amend and reenact subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to a social security number on a driver's license; 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; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

HB 1443, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1080: A BILL for an Act to amend and reenact subsection 4 of section 15.1-32-01 of the North Dakota Century Code, relating to the definition of students with disabilities who are incarcerated.

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

ABSENT AND NOT VOTING: Bercier

HB 1080 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1084: A BILL for an Act to amend and reenact section 50-11-07 of the North Dakota Century Code, relating to the denial or revocation of a foster care license.

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; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour;

Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1084 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1085: A BILL for an Act to amend and reenact sections 50-11.1-04 and 50-11.1-06.2 of the North Dakota Century Code, relating to consideration of reports of child abuse or neglect in licensing or registering child care providers.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bercier

HB 1085 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1098: A BILL for an Act to amend and reenact section 52-06-21 of the North Dakota Century Code, relating to unemployment insurance benefit determinations.

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

ABSENT AND NOT VOTING: Bercier

HB 1098 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1110: A BILL for an Act to amend and reenact subsections 3 and 7 of section 12.1-32-15 of the North Dakota Century Code, relating to sex offender registration.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bercier

HB 1110 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1111: A BILL for an Act to amend and reenact subsection 3 of section 12-60-16.4, and subdivision g of subsection 1 and subdivision e of subsection 5 of section 19-03.1-36 of the North Dakota Century Code, relating to drug paraphernalia offense reporting and forfeiture and use of forfeited property.

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

ABSENT AND NOT VOTING: Bercier

HB 1111 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1127: A BILL for an Act to amend and reenact subsection 2 of section 15-10-37 of the North Dakota Century Code, relating to eligibility for the technology occupations student loan 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; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

HB 1127 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1132: A BILL for an Act to create and enact five new sections to chapter 49-03.1 of the North Dakota Century Code, relating to licensing of telecommunications resellers; and to amend and reenact section 49-03.1-01 of the North Dakota Century Code, relating to certificates of public convenience and necessity for telecommunications companies.

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 10 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Brown; Cook; Freborg; Lee, J.; Lindaas; Polovitz; Stenehjem; Tallackson; Thane; Trenbeath

NAYS: Andrist; Bowman; Christenson; Christmann; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell;

Robinson; Schobinger; Seymour; Syverson; Taylor; Tollefson; Traynor; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

HB 1132 lost.

SECOND READING OF HOUSE BILL

HB 1140: A BILL for an Act to amend and reenact subsection 3 of section 26.1-03-19.2, subsection 5 of section 26.1-12-03, and sections 26.1-12-04 and 26.1-18.1-08 of the North Dakota Century Code, relating to examination reports of foreign companies, term of existence of a mutual insurance company, articles of incorporation of a mutual insurance company, and annual reports of health maintenance organizations.

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

ABSENT AND NOT VOTING: Bercier

HB 1140 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1141: A BILL for an Act to amend and reenact subsection 1 of section 26.1-10.1-01 and section 26.1-10.1-03 of the North Dakota Century Code, relating to notice to the insurance commissioner of reinsurance agreements.

ROLL CALL

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

ABSENT AND NOT VOTING: Bercier

HB 1141 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1160: A BILL for an Act to amend and reenact sections 23-07-02, 23-09-01, 23-09-02.1, 23-09-03, 23-09-05, 23-09-06, 23-09-07, 23-09-09, 23-09-10, 23-09-11, 23-09-14, 23-09-16, 23-09-17, 23-09-18, 23-09-21, 23-09-22, 50-10.1-01, and 50-10.2-01 of the North Dakota Century Code, relating to assisted living facilities and lodging establishments.

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

ABSENT AND NOT VOTING: Bercier

HB 1160 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1164: A BILL for an Act to create and enact chapter 50-32 of the North Dakota Century Code, relating to licensing of assisted living facilities; to amend and reenact subsection 8 of section 23-09-01 and sections 50-24.5-01 and 50-24.5-02 of the North Dakota Century Code, relating to assisted living facilities; to repeal section 50-24.5-02.1 of the North Dakota Century Code, relating to registration of assisted living facilities; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1164 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1254: A BILL for an Act to adopt the interstate compact for juveniles.

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

ABSENT AND NOT VOTING: Bercier

HB 1254 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3003: A concurrent resolution directing the Legislative Council to study state and local funding obligations for 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 3003 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3044: A concurrent resolution urging Congress to enact the President's 2002 economic growth and tax relief plan.

REQUEST

SEN. STENEHJEM REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 30 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Andrist; Christenson; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor

ABSENT AND NOT VOTING: Bercier

HCR 3044 was declared adopted, and the title was agreed to on a roll call vote.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1097, HB 1125, HB 1150, HB 1339.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1099, HB 1149.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1186.

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 1046.

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

MR. SPEAKER: The Senate has failed to pass: HB 1034, HB 1395, HB 1500.

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 2034, SB 2043, SB 2047, SB 2075, SB 2078, SB 2091, SB 2092, SB 2098.

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

MR. SPEAKER: The President has signed: HB 1059, HB 1122, HB 1130, HB 1228, HB 1328, HCR 3035.

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

MR. PRESIDENT: The House has passed unchanged: SB 2100, SB 2101, SB 2102, SB 2124, SB 2131, SB 2202, SB 2209, SB 2243, SB 2309.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2384.

HOUSE AMENDMENTS TO SENATE BILL NO. 2384

Page 1, line 8, replace "annuity" with ""annuity""

Page 1, line 9, remove "a lump sum of"

Page 1, line 11, after the period insert "The term does not mean an employee benefit that qualifies for favorable tax treatment under the Internal Revenue Code or a plan described in the Internal Revenue Code as a retirement plan under which contributions must end and withdrawals begin by age seventy and one-half."

Page 2, line 2, remove "life expectancy tables published by"

Page 2, line 7, replace "1396r" with "1396r-5"

Renumber accordingly

MOTION

SEN. CHRISTMANN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, March 6, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1078: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1078 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1096, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1096 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1124, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1124 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1126: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1126 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1137, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1137 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1139, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1139 was placed on the Sixth order on the calendar.

Page 1, line 12, after "months" insert "after receipt"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1145, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1145 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1155, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1155 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1163: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1163 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1165, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1165 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1169: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1169 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1210, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1210 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1232, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1232 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1266, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1266 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1269, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1269 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to amend and reenact paragraph 2 of subdivision b of subsection 2 of section 51-25-02 of the North Dakota Century Code, relating to the release of escrow funds deposited by tobacco product manufacturers; to provide for anti-severability; to provide an effective date;"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Paragraph 2 of subdivision b of subsection 2 of section 51-25-02 of the North Dakota Century Code is amended and reenacted as follows:

- (2) To the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow on account of units sold in the state in a particular year was greater than ~~the state's allocable share of the total payments that the manufacturer would have been required to make in that year under the master settlement agreement (as determined pursuant to section IX(i)(2) of the master settlement agreement, and before any of the adjustments or offsets described in section IX(i)(3) of that agreement other than the inflation adjustment)~~ the master settlement agreement payments, as determined pursuant to section IX(i) of that agreement including after final determination of all adjustments, that the manufacturer would have been required to make on account of the units sold had it been a participating manufacturer, the excess must be released from escrow and revert back to the tobacco product manufacturer; or"

Page 1, underscore lines 8 through 10

Page 1, after line 10, insert:

"SECTION 3. ANTI-SEVERABILITY - EFFECTIVE DATE. If any portion of paragraph 2 of subdivision b of subsection 2 of section 51-25-02 as amended by this Act is held by a court of competent jurisdiction to be unconstitutional, then paragraph 2 of subdivision b of subsection 2 of section 51-25-02 is suspended. After suspension of paragraph 2 of subdivision b of subsection 2 of section 51-25-02, if any other provision of subdivision b of subsection 2 of section 51-25-02 is held by a court of competent jurisdiction to be unconstitutional, then paragraph 2 of subdivision b of subsection 2 of section 51-25-02 takes effect as it existed on January 1, 2003. Neither any holding of unconstitutionality nor the suspension of paragraph 2 of subdivision b of subsection 2 of section 51-25-02 affects or invalidates any other portion of section 51-25-02 or the application of the section to any person or circumstance, and the remaining portions of section 51-25-02 continue in effect."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1310, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1310 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1348, as engrossed: 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). Engrossed HB 1348 was placed on the Sixth order on the calendar.

Page 1, line 16, after "larger" insert ", and its associated transmission substations,"

Page 1, line 18, after "line" insert "and its associated transmission substations"

Page 2, line 2, replace the first "is" with "and its associated transmission substations are" and replace the second "is" with "are"

Page 2, line 4, after "section" insert "applies to the transmission line and its associated transmission substations and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1390: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1390 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1400, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1400 was placed on the Sixth order on the calendar.

Page 1, line 24, overstrike "twenty-four" and insert immediately thereafter "forty-eight"

Page 2, line 5, overstrike "twenty-four" and insert immediately thereafter "forty-eight"

Page 3, line 3, overstrike "twenty-four" and insert immediately thereafter "forty-eight"

Page 3, line 9, overstrike "twenty-four" and insert immediately thereafter "forty-eight"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1419: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1419 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1441: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1441 was placed on the Fourteenth order on the calendar.

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

WILLIAM R. HORTON, Secretary