

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, March 11, 2003

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

The prayer was offered by Father James Shea, Cathedral of the Holy Spirit, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

REQUEST

SEN. MUTCH REQUESTED that his remarks be printed in the Journal, which request was granted.

REMARKS OF SENATOR MUTCH

On Saturday, March 8, the Larimore Polar Bears girls' basketball team completed a perfect season and claimed the 2003 Girls' State Class B basketball championship. The Polar Bears girls won their twenty-eighth game of a season without a loss to claim their first ever state championship.

The Polar Bears girls featured stifling defense and balanced offense in rolling through their season schedule. The teamwork, discipline, and work ethic displayed by the Polar Bears girls' team are the hallmarks of talent, dedication, and skilled coaching. Polar Bears head coach, Leon Carey, was named Class B girls' coach of the year for the 2002-03 season.

Today we join with the Larimore Polar Bears girls' basketball fans in extending recognition and congratulations to the Larimore Polar Bears Girls' 2003 State Class B champions and their coach, Leon Carey.

CONSIDERATION OF AMENDMENTS

HB 1112, as engrossed: SEN. TRENBEATH (Transportation Committee) MOVED that the amendments on SJ page 703 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1243, as engrossed: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ page 704 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**.

REQUEST

SEN. TRAYNOR REQUESTED that the Senate divide the amendments to Engrossed HB 1243, which request was granted on a voice vote.

DIVISION A

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

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

DIVISION B

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

DIVISION C

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

DIVISION D

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

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

Renumber accordingly

The question being the adoption of Division A of the proposed amendments to Engrossed HB 1243, the motion failed on a voice vote.

Division A of the proposed amendments to Engrossed HB 1243 failed.

The question being the adoption of Division B of the proposed amendments to Engrossed HB 1243, the motion passed on a voice vote.

Division B of the proposed amendments to Engrossed HB 1243 was adopted.

The question being the adoption of Division C of the proposed amendments to Engrossed HB 1243, the motion passed on a voice vote.

Division C of the proposed amendments to Engrossed HB 1243 was adopted.

The question being the adoption of Division D of the proposed amendments to Engrossed HB 1243, the motion passed on a voice vote.

Division D of the proposed amendments to Engrossed HB 1243 was adopted.

Therefore, the question being the adoption of the proposed amendments Engrossed HB 1243, which exclude Division A and include Divisions B, C, and D, the proposed amendments to HB 1243 were adopted on a voice vote.

Engrossed HB 1243, as amended, was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1043, as engrossed: SEN. BROWN (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 702-703 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1106: SEN. NICHOLS (Finance and Taxation Committee) MOVED that the amendments on SJ page 703 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1279: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 704 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1378, as engrossed: SEN. TRAYNOR (Natural Resources Committee) MOVED that the amendments on SJ page 705 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. KREBSBACH MOVED that the Senate reconsider its action whereby HCR 3043 failed to pass, which motion prevailed on a verification vote.

REQUEST

SEN. KREBSBACH REQUESTED a recorded roll call vote on HCR 3043, which request was granted.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

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

ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 27 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

HCR 3043 was declared adopted, and the title was agreed to on a roll call vote.

SECOND READING OF HOUSE BILL

HB 1029: A BILL for an Act to amend and reenact section 37-15-14.1 of the North Dakota Century Code, relating to the veterans' home membership contribution; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Urlacher

HB 1029 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1035: A BILL for an Act to amend and reenact section 14-15-01, subdivision a of subsection 4 of section 14-15-03, subsection 3 of section 14-15-04, subsection 1 of section 14-15-05, sections 14-15-06 and 14-15-07, subsection 2 of section 14-15-08, sections 14-15-09, 14-15-10, 14-15-11, 14-15-12, 14-15-12.1, 14-15-13, and 14-15-14, subsection 2 of section 14-15-15, and sections 14-15-16, 14-15-17, 14-15-18, 14-15-19, and 14-15-20 of the North Dakota Century Code, relating to the Revised Uniform Adoption Act.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1035, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1036: A BILL for an Act to amend and reenact subsections 1 and 4 of section 14-15.1-03 and sections 14-15.1-04, 14-15.1-06, and 14-15.1-07 of the North Dakota Century Code, relating to child relinquishment to identified adoptive parents.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1036 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1343: A BILL for an Act to amend and reenact section 20.1-01-03 of the North Dakota Century Code, relating to unlawfully taking big game animals; 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 41 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Bowman; Christmann; Flakoll; Schobinger; Stenehjem

Engrossed HB 1343, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1396: A BILL for an Act to amend and reenact subsection 1 of section 10-06.1-09 and sections 10-06.1-12 and 10-06.1-19 of the North Dakota Century Code, relating to corporations in farming and ranching; and to provide for compliance.

MOTION

SEN. STENEHJEM MOVED a time certain at 2:05 p.m., which motion prevailed.

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 11 YEAS, 36 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Dever; Espegard; Grindberg; Krebsbach; Lee, J.; Mutch; Schobinger; Stenehjem; Syverson; Tollefson

NAYS: Andrist; Bercier; Brown; Christenson; Christmann; Cook; Erbele; Every; Fairfield; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Kringstad; Lee, G.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor; Thane; Traynor; Trenbeath; Urlacher; Wardner

HB 1396, as amended, lost.

SECOND READING OF HOUSE BILL

HB 1102: A BILL for an Act to amend and reenact subdivision d of subsection 1 of section 38-08-04, subdivision a of subsection 1 of section 38-12-02, subdivision a of subsection 1 of section 38-12.1-04, and subdivision d of subsection 1 of section 38-19-03 of the North Dakota Century Code, relating to an election to deposit cash or property in lieu of a bond for coal exploration, subsurface mineral exploration and development, and geothermal production.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1102, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1148: A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota Century Code, relating to release of water resource board easements; and to amend and reenact sections 61-02-14.1, 61-16.1-38, and 61-16.1-53 of the North Dakota Century Code, relating to dam construction easements, dam construction permits, and dike and dam removal notices and hearings.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1148, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1503: A BILL for an Act to create and enact a new section to chapter 36-11 of the North Dakota Century Code, relating to livestock; to amend and reenact sections 36-11-01, 36-11-07, 36-11-09, 36-11-10, 36-11-11, 36-11-12, 36-11-13, 36-11-14, 36-11-15, 36-11-16, 36-11-17, 36-11-18, 36-11-19, and 36-11-20 of the North Dakota Century Code, relating to livestock running at large; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1503, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1072: A BILL for an Act to create and enact a new chapter to title 14 of the North Dakota Century Code, relating to the uniform interstate enforcement of domestic violence protection orders act; to amend and reenact section 14-07.1-06 of the North Dakota Century Code, relating to penalties for violation of a protection order; to repeal section 14-07.1-02.2 of the North Dakota Century Code, relating to foreign domestic violence protection orders; to provide a penalty; and to provide for application.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1072 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1074: A BILL for an Act to repeal sections 12-47-27, 12-47-28, and 12-47-29 of the North Dakota Century Code, relating to transfers of penitentiary inmates to the state hospital.

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 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

HB 1074 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1128: A BILL for an Act to amend and reenact sections 19-14-01, 19-14-02, 19-14-03, 19-14-04, 19-14-05, 19-14-06, 19-14-07, and 19-14-08 of the North Dakota Century Code, relating to the regulation of livestock medicines; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1128 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1157: A BILL for an Act to create and enact a new section to chapter 60-02 of the North Dakota Century Code, relating to licensed warehouse capacity and condominium storage; and to amend and reenact sections 60-02-07, 60-02-10.1, 60-02-33, subsection 8 of section 60-02.1-01, sections 60-02.1-07, 60-02.1-11, subsection 7 of section 60-02.1-14, sections 60-02.1-28, 60-02.1-29, 60-02.1-32 and subsection 4 of section 60-03-01 of the North Dakota Century Code, relating to licensing of grain warehouses, grain buyers, and hay buyers.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1157 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1178: A BILL for an Act to amend and reenact subsection 1 of section 28-32-10 of the North Dakota Century Code, relating to the contents of a notice of administrative rulemaking; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1178 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1288: A BILL for an Act to amend and reenact section 40-49-10 of the North Dakota Century Code, relating to the compensation of members of a board of park commissioners.

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, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Andrist

HB 1288 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1306: A BILL for an Act to amend and reenact section 23-27-04.3 of the North Dakota Century Code, relating to misrepresentation as to status as an emergency medical services personnel; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1306 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1319: A BILL for an Act to amend and reenact section 39-10-57 of the North Dakota Century Code, relating to following or stopping by an emergency vehicle.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1319 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1345: A BILL for an Act to create and enact a new subsection to section 54-21.3-03 of the North Dakota Century Code, relating to the state building code; and to amend and reenact section 54-21.3-07 of the North Dakota Century Code, relating to modular residential and commercial structures.

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 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Brown; Christmann; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nelson; Nething; Polovitz; Seymour; Stenehjem; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Andrist; Christenson; Cook; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nichols; O'Connell; Robinson; Schobinger; Syverson

Engrossed HB 1345 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Brown; Christenson; Dever; Erbele; Every; Fairfield; Grindberg; Heitkamp; Holmberg; Krauter; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Syverson; Tallackson; Taylor; Traynor; Trenbeath

NAYS: Bowman; Christmann; Cook; Espegard; Fischer; Flakoll; Freborg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Mutch; Nething; Schobinger; Seymour; Stenehjem; Thane; Tollefson; Urlacher; Wardner

Engrossed HB 1405 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1436: A BILL for an Act to amend and reenact subsection 4 of section 43-17-18 of the North Dakota Century Code, relating to licensure of physicians.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1436 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1437: A BILL for an Act to amend and reenact sections 5-02-01, 5-02-01.1, 5-02-05.1, and 5-02-10 of the North Dakota Century Code, relating to retail licenses to sell alcoholic beverages.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1437 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3012: A concurrent resolution directing the Legislative Council to study the laws of this state concerning arbitration of construction issues with the Department of Transportation.

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

HCR 3012 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3021: A concurrent resolution urging the United States Department of Agriculture not to preempt states' rights to regulate grain merchandising activities at grain warehouses that are licensed under the United States Warehouse Act, and further urging Congress to take corrective action if the United States Department of Agriculture is unwilling or unable to take corrective action.

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

HCR 3021 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3051: A concurrent resolution directing the Legislative Council to study economic development efforts associated with and including establishment of a Red River Valley business and technology development zone and methods through which programs receiving funding from the United States Department of Agriculture rural economic area partnership, empowerment zone, enterprise community, and champion community programs can be enhanced.

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

Engrossed HCR 3051 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3013: A concurrent resolution directing the Legislative Council to study the laws of this state concerning abandonment and vacation of sections of routes of the state highway system.

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

HCR 3013 was declared adopted, and the title was agreed to on a voice vote.

MOTION

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2143 as printed on SJ page 645, which motion prevailed on a voice vote.

Engrossed SB 2143, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2143: A BILL for an Act to amend and reenact subsection 1 of section 43-45-05.1 and section 43-45-07.1 of the North Dakota Century Code, relating to the licensure of addiction counselors.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2143 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1100, HB 1414.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4032.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HB 1075, HB 1076, HB 1184, HB 1220, HB 1297, HB 1359, HB 1380, HB 1386, HB 1393, HCR 3002, HCR 3026.

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 1143.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause failed: HB 1065.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has failed to pass: HB 1346.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3052, HCR 3053, HCR 3061, HCR 3069, HCR 3073, HCR 3075, HCR 3076, HCR 3077.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has passed unchanged: SCR 4006, SCR 4011, SCR 4013, SCR 4020, SCR 4026, SCR 4030.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has passed unchanged: SB 2077, SB 2104, SB 2112, SB 2134, SB 2139, SB 2146, SB 2162, SB 2176, SB 2178, SB 2183, SB 2184, SB 2218, SB 2224, SB 2229, SB 2390, SB 2400.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass: SB 2127.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2068, SB 2155, SB 2156, SB 2350.

HOUSE AMENDMENTS TO SENATE BILL NO. 2068

Page 1, line 9, remove "over the age of twenty-one and"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2155

Page 3, line 13, after "e-" insert "m.", after the second overstruck comma insert "Consider implementing", and remove the overstrike over "~~an electronic fund transfer system;~~"

Page 3, line 14, after "p-" insert "n." and remove the overstrike over "~~Consider exempting funds in individual development accounts;~~"

Page 3, line 15, replace "m." with "o."

Page 3, line 16, remove the overstrike over "by"

Page 3, line 17, remove the overstrike over "~~using unemployment data provided by job service North Dakota~~"

Page 3, line 18, replace "n." with "p."

Page 3, line 19, replace "o." with "q."

Page 3, line 23, replace "p." with "r."

Page 3, line 25, replace "q." with "s."

Page 3, line 28, replace "r." with "t."

Page 4, line 1, replace "s." with "u."

Page 4, line 5, replace "t." with "v."

Page 4, line 8, replace "u." with "w."

Page 4, line 11, after the first "the" insert "probable" and overstrike "probable"

Page 4, line 12, replace "v." with "x."

Page 4, line 25, replace "w." with "y."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2156

Page 2, line 21, remove the overstrike over the first overstruck comma, after "intermediate" insert "basic", and remove the overstrike over "care facilities,"

Page 3, line 30, after "completed" insert "within", remove the overstrike over "four", and remove "two"

Page 3, line 31, after "years" insert ", three thousand hours"

Page 8, line 4, remove "The board may impose a late fee after November fifteenth of the odd-numbered"

Page 8, remove line 5

Page 8, line 6, remove "7."

Page 8, line 15, replace "8." with "7."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2350

Page 1, line 2, after the semicolon insert "and"

Page 1, line 3, remove "; and to provide an expiration date"

Page 2, line 1, replace "owned by a private entity and used by it for" with "used primarily for athletic and educational purposes at any state institution of higher education."

Page 2, remove lines 2 and 3

Page 2, line 4, remove "- EXPIRATION DATE" and remove "the"

Page 2, line 5, remove "first two" and remove ", and is thereafter ineffective"

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 2084.

HOUSE AMENDMENTS TO SENATE BILL NO. 2084

Page 1, line 22, remove the overstrike over "and"

Page 1, line 23, remove the overstrike over "18(b)(4)"

Page 5, line 22, remove "variable annuity"

Page 5, line 23, remove "contract,"

Renumber accordingly

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

MR. SPEAKER: The President has signed: 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 HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2079, SB 2093, SB 2094, SB 2114, SB 2120, SB 2121, SB 2122, SB 2123, SB 2136, SB 2142, SB 2145, SB 2158, SB 2179, SB 2205, SB 2206, SB 2286, SB 2289.

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., Wednesday, March 12, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1081: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1081 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1093: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1093 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1145, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1145 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1270: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1270 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1276: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1276 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1292: Transportation Committee (Sen. Trenbeath, 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). HB 1292 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "39-24-04" insert "and 39-24-11"

Page 1, line 2, after "fee" insert "; to provide a penalty; to provide an appropriation; and to provide an effective date"

Page 1, after line 24, insert:

"SECTION 2. AMENDMENT. Section 39-24-11 of the North Dakota Century Code is amended and reenacted as follows:

39-24-11. Penalties. Any person who violates subdivision b or g of subsection 5 of section 39-24-09 is guilty of a class B misdemeanor. Any person who violates subdivision c of subsection 5 of section 39-24-09 is guilty of an infraction or a class B misdemeanor as determined by section 39-24.1-07. Any person who violates subsection 11 of section 39-24-09 is guilty of a class B misdemeanor and must be assessed a fine of at least one hundred dollars. Any person who violates any other provision of section 39-24-09 must be assessed a fee of twenty dollars. Any person, unless specifically exempted, who fails to register or fails to display a decal as required by ~~section~~ sections 39-24-02 and 39-24-04 must be assessed a fee of fifty dollars. If the person provides proof of registration after the violation, the fee may be reduced by one-half. Any person who violates any other provision of this chapter for which a specific penalty is not provided must be assessed a fee of ten dollars.

SECTION 3. APPROPRIATION. There is appropriated out of moneys in the state snowmobile fund in the state treasury, not otherwise appropriated, the sum of \$12,000, or so much of the sum as may be necessary, to the parks and recreation department for the purposes of establishing and administering the decal program for snowmobiles registered in another state or country, for the biennium beginning July 1, 2003, and ending June 30, 2005.

SECTION 4. EFFECTIVE DATE. Section 1 of this Act becomes effective on August 1, 2005."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1355: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1355 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3052: A concurrent resolution directing the Legislative Council to study school district data collection and reporting requirements.

Was read the first time and referred to the **Education Committee**.

HCR 3053: A concurrent resolution directing the Legislative Council to study the emergency powers of the executive branch.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

HCR 3061: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of enacting legislation to replace the existing electric utility property tax system with a fair and uniform replacement tax system for electric utility property.

Was read the first time and referred to the **Finance and Taxation Committee**.

HCR 3069: A concurrent resolution for the amendment of section 2 of article III of the Constitution of North Dakota, relating to granting the legislative assembly the authority to provide a procedure for determining the fiscal impact of initiative measures.

Was read the first time and referred to the **Joint Constitutional Revision Committee**.

HCR 3073: A concurrent resolution directing the Legislative Council to study the effectiveness and appropriateness of tax preferences provided by state law and discretionary action of political subdivisions.

Was read the first time and referred to the **Finance and Taxation Committee**.

HCR 3075: A concurrent resolution directing the Legislative Council to study and identify federal and state statutory and regulatory policies that discourage or prevent final bond release applications from being filed and study and identify Public Service Commission regulatory policies that could be implemented to encourage flexibility in proving reclamation success and reducing administrative and regulatory burdens necessary for bond release applications and study and identify actions being undertaken by the mining companies to achieve final bond release.

Was read the first time and referred to the **Natural Resources Committee**.

HCR 3076: A concurrent resolution urging Congress to recognize the meritorious aspects and the successes of the Head Start program, maintain funding at the highest possible level, and reject any proposal to move Head Start from the Department of Health and Human Services to the Department of Education or to limit the scope of Head Start.

Was read the first time and referred to the **Education Committee**.

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

WILLIAM R. HORTON, Secretary