

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, April 2, 2003

The Senate convened at 8:00 a.m., with President Dalrymple presiding.

The prayer was offered by Pastor John Luhmann, Bismarck Evangelical Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Lyson, Chairman)** appointed to consider the nominations for the North Dakota Gaming Commission, do advise and consent to the nomination of James Wang.

SEN. LYSON MOVED that the report be adopted.

ROLL CALL

The question being will the Senate "advise and consent to the nomination of James Wang for the North Dakota Gaming Commission", 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

The Senate advises and consents to the nomination of James Wang to the North Dakota Gaming Commission.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Lyson, Chairman)** appointed to consider the nominations for the North Dakota Gaming Commission, do advise and consent to the nomination of Blake Krabseth.

SEN. LYSON MOVED that the report be adopted.

ROLL CALL

The question being will the Senate "advise and consent to the nomination of Blake Krabseth for the North Dakota Gaming Commission", 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

The Senate advises and consents to the nomination of Blake Krabseth to the North Dakota Gaming Commission.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Lyson, Chairman)** appointed to consider the nominations for the North Dakota Gaming Commission, do advise and consent to the nomination of Sandi Frenzel.

SEN. LYSON MOVED that the report be adopted.

ROLL CALL

The question being will the Senate "advise and consent to the nomination of Sandi Frenzel for the North Dakota Gaming Commission", 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

The Senate advises and consents to the nomination of Sandi Frenzel to the North Dakota Gaming Commission.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Lyson, Chairman)** appointed to consider the nominations for the North Dakota Gaming Commission, do advise and consent to the nomination of Charles Axtman.

SEN. LYSON MOVED that the report be adopted.

ROLL CALL

The question being will the Senate "advise and consent to the nomination of Charles Axtman for the North Dakota Gaming Commission", 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

The Senate advises and consents to the nomination of Charles Axtman to the North Dakota Gaming Commission.

MOTION

SEN. CHRISTMANN MOVED that the Confirmation Session be dissolved, 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 Reengrossed HB 1088, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed HB 1088: Sens. Traynor, Trenbeath, Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2160 as printed on SJ pages 934-935 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 2160: Sens. Fischer, Erbele, Fairfield.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KREBSBACH MOVED that the Senate do concur in the House amendments to Engrossed SB 2118 as printed on SJ page 770, which motion prevailed on a voice vote.

Engrossed SB 2118, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2118: A BILL for an Act to amend and reenact sections 1-02-35, 54-11-01, and 54-11-04 of the North Dakota Century Code, relating to warrants, duties, and records of the state

treasurer; and to repeal section 54-11-03 of the North Dakota Century Code, relating to the redemption of warrants by the state treasurer.

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

Reengrossed SB 2118 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to SB 2245 as printed on SJ page 935, which motion prevailed on a voice vote.

SB 2245, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2245: A BILL for an Act to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to disclosure of the identity of child support obligors.

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

Engrossed SB 2245 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FISCHER MOVED that the Senate do concur in the House amendments to Engrossed SB 2242 as printed on SJ page 832, which motion prevailed on a voice vote.

Engrossed SB 2242, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2242: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to hunting of Canada geese by nonresidents; and to provide an expiration date.

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

Reengrossed SB 2242 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to SB 2246 as printed on SJ page 935, which motion prevailed on a voice vote.

SB 2246, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2246: A BILL for an Act to create and enact a new subsection to section 14-09-09.3 and a new section to chapter 50-09 of the North Dakota Century Code, relating to late fees charged to a child support income payer and the withholding, restriction, or suspension of licenses, permits, and registrations for failure to pay child support or comply with a subpoena; and to amend and reenact subsection 3 of section 14-09-08.1, subsection 2 of section 14-09-08.16, subsection 2 of section 14-09-09.3, and subsection 6 of section 14-09-25 of the North Dakota Century Code, relating to notice of child support arrears, duties and responsibilities of a child support income payer, and judgment interest for past-due child support.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, J.; Lindaas; Mutch; Nelson; Nething; Nichols; Polovitz; Robinson; Seymour; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Christmann; Cook; Fairfield; Lee, G.; Lyson; Mathern; O'Connell; Schobinger; Stenehjem; Syverson

Engrossed SB 2246 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to Engrossed SB 2251 as printed on SJ page 832, which motion prevailed on a voice vote.

Engrossed SB 2251, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2251: A BILL for an Act to create and enact a new chapter to title 26.1 of the North Dakota Century Code, relating to creation of a property insurance placement facility.

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

Reengrossed SB 2251 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FLAKOLL MOVED that the Senate do concur in the House amendments to SB 2254 as printed on SJ page 957, which motion prevailed on a voice vote.

SB 2254, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2254: A BILL for an Act to amend and reenact section 2-05-18 of the North Dakota Century Code, relating to a license for aerial spraying.

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

Engrossed SB 2254 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRENBEATH MOVED that the Senate do concur in the House amendments to Engrossed SB 2262 as printed on SJ page 908, which motion prevailed on a voice vote.

Engrossed SB 2262, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2262: A BILL for an Act to provide for a legislative council study of motor vehicle and motorist insurance systems.

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, 3 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.; Lindaas; Lyson; Mutch; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Lee, J.; Mathern; Nelson

Reengrossed SB 2262 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRENBEATH MOVED that the Senate do concur in the House amendments to Reengrossed SB 2275 as printed on SJ page 908, which motion prevailed on a voice vote.

Reengrossed SB 2275, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2275: A BILL for an Act to amend and reenact section 26.1-41-13 of the North Dakota Century Code, relating to coordination of benefits for automobile insurance.

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

Reengrossed SB 2275 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do concur in the House amendments to Engrossed SB 2296 as printed on SJ page 850, which motion prevailed on a voice vote.

Engrossed SB 2296, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2296: A BILL for an Act to amend and reenact section 25-03.1-02 and subsection 1 of section 25-03.1-18.1 of the North Dakota Century Code, relating to mental illness commitment procedures.

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

Reengrossed SB 2296 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2297 as printed on SJ page 982, which motion prevailed on a voice vote.

Engrossed SB 2297, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2297: A BILL for an Act to amend and reenact section 23-38-02 of the North Dakota Century Code, relating to the community health grant program; to provide for an appropriation; and to provide for an exemption.

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

Reengrossed SB 2297 passed and the title was agreed to.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 2, 2003: SB 2052, SB 2058, SB 2064, SB 2089, SB 2147, SB 2151, SB 2153, SB 2196, SB 2198, SB 2199, SB 2201, SB 2211, SB 2228, SB 2288, SB 2310, SB 2324, SB 2326.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2160 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2160: Sens. Fischer; Erbele; Fairfield

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 1088: Sens. Traynor; Trenbeath; Nelson

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2118, SB 2242, SB 2245, SB 2246, SB 2251, SB 2254, SB 2262, and SB 2275.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2296 and SB 2297.

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 1050, HB 1079, HB 1158, HB 1245, HB 1255, HB 1291, HB 1372, and HB 1469 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1050: Reps. Nelson; Norland; Hunskor

HB 1079: Reps. Meier; Sitte; Solberg

HB 1158: Reps. Belter; Kreidt; Froelich

HB 1245: Reps. Devlin; Weisz; Sandvig

HB 1255: Reps. Dosch; Galvin; Thorpe

HB 1291: Reps. Price; Weisz; Schmidt

HB 1372: Reps. Weisz; Headland; Schmidt

HB 1469: Reps. Weisz; Pietsch; Amerman

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 1486 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1486: Reps. Nicholas; Uglem; Boe

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2149: Reps. Weisz; Headland; Schmidt

SB 2384: Reps. M. Klein; N. Johnson; Thorpe

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

MR. PRESIDENT: The House has passed unchanged: SB 2322.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2358, SB 2363.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2358

Page 1, line 2, replace "transfer" with "use"

Page 1, line 3, replace "and" with a comma and after "60-06-06.1" insert ", and 60-06-15"

Page 1, line 9, replace "agreements" with "terms"

Page 1, line 10, replace "A purchase agreement, deed, bill of sale," with "Except as provided in this section, any provision of a"

Page 1, line 11, replace "pertaining to the sale, lease, license or other" with "for the", after "use" insert "or occupancy", and after the first "of" insert "railroad"

Page 1, line 12, replace "nonrailroad purchaser," with "state or federal licensed public grain warehouse or potato warehouse"

Page 1, line 13, remove "lessee, licensee, or other contracting party"

Page 1, line 20, replace "nonrailroad purchaser, lessee, licensee, or other contracting" with "state or federal licensed public grain warehouse or a potato warehouse"

Page 1, line 21, remove "party"

Page 1, line 24, replace "; or coverage or other" with an underscored period

Page 2, remove lines 1 through 4

Page 2, line 10, remove "purchase"

Page 2, line 11, remove "agreement, deed, bill of sale,"

Page 2, replace lines 13 through 15 with:

- "3. Notwithstanding any other provision of law, a railroad may not require that a lessee, licensee, or other party contracting for the use or occupancy of right of way, or other adjoining property, provide the following:
- a. Commercial general liability insurance of not more than two million dollars per occurrence coverage for bodily injury and property damage arising out of the use or occupancy of the property by the contracting party, including damage caused by the sole or concurrent fault of the railroad, its employees, agents, and contractors.
 - b. Indemnification and defense of the railroad, its employees and agents for all personal injury and property damage claims and liability up to two million dollars per occurrence arising out of the use or occupancy of the property including claims and liability caused by the sole or concurrent fault of the railroad, its employees, agents, and contractors.
 - c. Indemnification and defense of the railroad, its employees and agents for all personal injury, property damage, and environmental damage claims and liability to the lessee, licensee, or other contracting party, its employees, agents, and invitees, arising from the use or occupancy of the property including claims and liability caused by the sole or concurrent fault of the railroad, its employees, agents, and contractors unless caused solely by the acts or omission of the railroad that are willful, wanton, or grossly negligent.
 - d. Pollution legal liability insurance up to one million dollars, unless the lessee agrees to a greater amount, to cover liabilities arising from hazardous substances or bulk storage of petroleum products brought on the property, or released on or near the property, or violations of environmental laws, by the lessee, licensee, or other contracting party, its employees, agents, and invitees.
4. Each party to the agreement shall indemnify and insure the other party for liability resulting from the environmental condition and status of the property to the extent caused by, aggravated by, or contributed to by the lessee, licensee, or other contracting party, its employees, agents, and invitees."

Page 2, line 30, remove "or to resolve disputes that arise"

Page 2, remove line 31

Page 3, line 1, remove "purchaser, lessee, or other user for any purpose, of a right of way"

Page 3, line 3, remove "If the commission finds that any term of a proposed right-of-way"

Page 3, remove lines 4 through 8

Page 3, line 9, remove "and reasonable to both parties." and overstrike "The commission shall conduct each hearing required under"

Page 3, overstrike lines 10 through 18

Page 3, line 19, overstrike "the general fund in the state treasury." and insert immediately thereafter "The value of a leaseholder's improvements may not be considered in determining a reasonable lease rate or selling price. The parties to such a proceeding shall pay the expenses of the proceeding, as determined by the commission, directly to the entities owed. The commission may adopt rules to carry out this section.

SECTION 4. AMENDMENT. Section 60-06-15 of the North Dakota Century Code is amended and reenacted as follows:

60-06-15. Application to existing leaseholds. The provisions of this chapter apply to the renewal or sale of existing leaseholds on railroad rights of way, and to existing leaseholds on lands that have ceased to be used for railroad rights of way after the leasehold was first created, and so long thereafter as the lease site remains under the ownership or control of the railroad or an entity that was or is under common ownership or control of the railroad. The value of a leaseholder's improvements may

not be considered in determining annual rental or the gross sum for the right, privilege, and easement sought."

Page 3, line 22, remove "abandoned and surplus"

Page 3, line 25, remove "purchase agreement,"

Page 3, line 26, remove "deed, bill of sale,", after "other" insert "real estate", and after "agreement" insert "for the use or occupancy of railroad right of way or other adjoining property"

Page 3, line 27, remove "oral or" and replace ", continuation, or extension" with "or amendment"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2363

Page 2, line 2, replace "one hundred" with "fifty"

Renumber accordingly

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

MR. PRESIDENT: The House has failed to pass unchanged: SB 2182.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on April 2, 2003: SCR 4005, SCR 4008, SCR 4009, SCR 4016, SCR 4023, SCR 4037.

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.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Cook, Chairman)** has cast a vote of 5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a concurrent resolution supporting and honoring the personnel of the Armed Forces of the United States as they enter harm's way around the world and the families of these men and women for their support and sacrifice.

The resolution will be SCR 4040.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Stenehjem, O'Connell, Tollefson and Reps. Berg, Boucher, M. Klein introduced:
(Approved by the Delayed Bills Committee)

SCR 4040: A concurrent resolution supporting and honoring the personnel of the Armed Forces of the United States as they enter harm's way around the world and the families of these men and women for their support and sacrifice.

Was read the first time.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended, that SCR 4040 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. Stenehjem, O'Connell, Tollefson and Reps. Berg, Boucher, M. Klein introduced:
(Approved by the Delayed Bills Committee)

SENATE CONCURRENT RESOLUTION NO. 4040

A concurrent resolution supporting and honoring the personnel of the Armed Forces of the United States as they enter harm's way around the world and the families of these men and women for their support and sacrifice.

WHEREAS, the personnel of the Armed Forces of the United States are engaged in deadly combat with the forces of the Iraqi regime of President Saddam Hussein and in a greater war on terrorism around the world; and

WHEREAS, the sacrifice and honor of the personnel called to active military duty and the support and sacrifices of their families is deserving of the full measure of respect and appreciation of all North Dakotans, which should be conveyed so that the personnel called to active duty and their families have no doubt of the esteem for them in the hearts and minds of North Dakotans; and

WHEREAS, as in previous conflicts, a large number of North Dakotans are participating in war as members of the regular Armed Forces and as members of the North Dakota National Guard, so much so that North Dakota has a greater share of its population called from the reserves to active duty than any other state;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Fifty-eighth Legislative Assembly supports and honors the personnel of the Armed Forces of the United States as they enter harm's way around the world and the families of these men and women for their support and sacrifice; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the presiding officers of the United States House of Representatives and the United States Senate, the Secretary of Defense, the Secretary of State, to each member of the North Dakota Congressional Delegation, and to the Adjutant General of North Dakota.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4040: A concurrent resolution supporting and honoring the personnel of the Armed Forces of the United States as they enter harm's way around the world and the families of these men and women for their support and sacrifice.

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

SCR 4040 was declared adopted and the title was agreed to on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that SCR 4040 be messaged to the House immediately, which motion prevailed.

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 4040.

MOTION

SEN. ERBELE MOVED that the Senate reconsider its action whereby Engrossed HB 1047, as amended, failed to pass, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1047: A BILL for an Act to amend and reenact sections 39-06.1-05 and 39-06.1-06, paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, sections 39-07-09 and 39-08-21, subdivision h of subsection 1 of section 39-09-02, and sections 39-21-16 and 39-21-46 of the North Dakota Century Code, relating to driving in excess of the speed limit.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 25 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Brown; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Mutch; Polovitz; Schobinger; Stenehjerm; Syverson; Tallackson; Taylor; Traynor; Trenbeath; Urlacher

NAYS: Andrist; Bercier; Christenson; Christmann; Cook; Every; Fairfield; Heitkamp; Kilzer; Krauter; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Robinson; Seymour; Thane; Tollefson; Wardner

Engrossed HB 1047, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2235, SB 2308, HB 1397, HB 1092, HB 1116, HB 1223, HB 1236, HB 1340, and HB 1391 be moved to the top of the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2235 as printed on SJ pages 906-908 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 2235: Sens. Klein, Mutch, Every.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2308 as printed on SJ page 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 Engrossed SB 2308: Sens. Espegard, Krebsbach, Every.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Reengrossed HB 1397, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed HB 1397: Sens. Mutch, Krebsbach, Every.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MUTCH 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 1092, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1092: Sens. Klein, Espegard, Heitkamp.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MUTCH 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 1116, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1116: Sens. Nething, Espegard, Heitkamp.

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 1223, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1223: Sens. Fischer, Tollefson, Every.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1236, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1236: Sens. Mutch, Krebsbach, Every.

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 1340, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1340: Sens. Lyson, Traynor, Every.

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 1391, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1391: Sens. Tollefson, Traynor, Heitkamp.

MOTION

SEN. CHRISTMANN MOVED that Sen. Grindberg replace Sen. Fischer on the Conference Committee on Reengrossed SB 2282, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that HB 1050, HB 1079, HB 1158, HB 1245, HB 1255, HB 1291, HB 1372, and HB 1469 be placed on the calendar, at the top of the Twelfth order, which motion prevailed.

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 1050, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1050: Sens. Fischer, Tollefson, Every.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. FREBORG MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1079, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1079: Sens. Cook, G. Lee, Taylor.

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 HB 1158, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1158: Sens. Klein, Erbele, Seymour.

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 1245, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1245: Sens. J. Lee, Erbele, Fairfield.

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 1255, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1255: Sens. Espegard, Mutch, 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 Engrossed HB 1291, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1291: Sens. Espegard, Nething, Taylor.

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 1372, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1372: Sens. Nething, Trenbeath, Taylor.

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 1469, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1469: Sens. Fischer, Brown, Erbele.

MOTION

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

CONSIDERATION OF AMENDMENTS

HB 1264, as engrossed: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 1045 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1264: A BILL for an Act to create and enact a new section to chapter 26.1-26 of the North Dakota Century Code, relating to a controlled insurance business.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Cook; Dever; Heitkamp; Lee, G.; Nelson; O'Connell; Polovitz

Engrossed HB 1264, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that the Senate proceed to the Fourteenth order and that HB 1478 be moved to the top of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1478: A BILL for an Act to create and enact two new sections to chapter 6-08.1 of the North Dakota Century Code, relating to disclosure of financial information; and to amend and reenact sections 6-08.1-01 and 6-08.1-02 of the North Dakota Century Code, relating to financial institution customer privacy definitions and exceptions.

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; Espgaard; 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 1478 passed and the title was agreed to.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4018.

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

MR. SPEAKER: The President has signed: HB 1243.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HB 1478.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1047, HB 1264.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2235 and SB 2308 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2235: Sens. Klein; Mutch; Every
SB 2308: Sens. Espegard; Krebsbach; Every

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has appointed Sen. Grindberg to replace Sen. Fischer on the Conference Committee on SB 2282.

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 1255: Sens. Espegard; Mutch; Bercier
HB 1291: Sens. Espegard; Nething; Taylor
HB 1340: Sens. Lyson; Traynor; Every
HB 1372: Sens. Nething; Trenbeath; Taylor
HB 1391: Sens. Tollefson; Traynor; Heitkamp
HB 1397: Sens. Mutch; Krebsbach; Every
HB 1469: Sens. Fischer; Brown; Erbele

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 1050: Sens. Fischer; Tollefson; Every
HB 1079: Sens. Cook; G. Lee; Taylor
HB 1092: Sens. Klein; Espegard; Heitkamp
HB 1116: Sens. Nething; Espegard; Heitkamp
HB 1158: Sens. Klein; Erbele; Seymour
HB 1223: Sens. Fischer; Tollefson; Every
HB 1236: Sens. Mutch; Krebsbach; Every
HB 1245: Sens. J. Lee; Erbele; Fairfield

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The Speaker has appointed Rep. Weiler to replace Rep. Hawken on the Conference Committee on HB 1439.

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 3079.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2030, SB 2135, SB 2403, SB 2410.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2030

Page 1, line 3, remove "; and to provide a continuing appropriation"

Page 1, line 7, remove "- Continuing"

Page 1, line 8, remove "appropriation"

Page 1, line 15, replace "are appropriated to" with "may be spent by" and replace "on a continuing basis" with "pursuant to legislative appropriations"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 601 - Department of Commerce - House Action

This amendment removes the continuing appropriation and provides that funds collected from the department's career guidance and job opportunities web site may be spent pursuant to legislative appropriations.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2135

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to provide an appropriation for the national board certification of teachers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$40,000, or so much of the sum as may be necessary, to the education standards and practices board for the purpose of procuring federal matching grants to provide for the national board certification of teachers, for the biennium beginning July 1, 2003, and ending June 30, 2005."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2403

Page 1, line 3, after "sections" insert "16.1-07-05,"

Page 1, line 5, after "to" insert "absentee ballot applications and"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 16.1-07-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-05. Time for applying for ballot. At any time in an election year, any qualified elector may apply to the county auditor, the auditor or clerk of the city, or the business manager of the school district, as the case may be, by facsimile or otherwise, for an official ballot to be voted at that election. A voter may obtain an application form for an absent voter's ballot for a general, special, primary, or county election from either the county auditor or a city auditor. The application form, for a member of the United States armed forces or the United States merchant marine or for a qualified elector living outside the United States, must include a space for the applicant to indicate whether the application is for all statewide elections in the calendar year or only for the election that is immediately after the date of the application. An applicant who is a member of the United States armed forces or the United States merchant marine or is a qualified elector living outside the United States may apply for and vote by facsimile if otherwise qualified to apply for and vote by absentee ballot. An auditor, clerk, or business manager may send and receive facsimile absentee ballot applications and facsimile absentee ballots to any individual eligible to apply for and vote by facsimile under this section. No auditor or clerk may issue ballots for absentee voters on the day of the election except to persons prevented from voting in person on the day of the election due to an emergency. A person requesting an absentee ballot on the day of the election due to an emergency must do so through an agent as set forth in this chapter. An agent may represent only one person. The absentee ballot must be returned to the county auditor's office by four p.m. on the day of the election. The identity of voters applying for absentee ballots and the applications are exempt records under section 44-04-17.1."

Page 2, line 17, after the second "a" insert "fair market value"

Page 2, line 19, after "reimbursed" insert "by a payment of money"

Page 16, line 11, replace "13" with "14"

Page 18, line 27, replace "13" with "14"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2410

Page 1, line 8, after "the" insert "Friday before the"

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 2249.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2249

Page 1, line 4, after the semicolon insert "to provide for a legislative council study of the protection of historical or archaeological artifacts or sites; to provide for application;"

Page 2, line 7, after "may" insert ", subject to the following provisions,"

Page 2, line 17, after the underscored period insert "If the agency or governing body and the director do not agree on the action to be taken, the differences must be submitted to a mediator selected by the governor to facilitate a consensus between the parties. The cost of the mediator must be shared equally by the parties. The mediator shall issue a report within sixty days of appointment by the governor. The report of the mediator must be published once in the official newspaper of the state and political subdivision."

Page 2, line 19, replace "If the" with "The decision of the agency or governing body must be published once in the official newspaper of the state and political subdivision. After mediation, if any, if the governing body of a political subdivision determines to proceed with actions that will result in completely demolishing, removing, or significantly degrading the historical characteristics of a building or real property, a resident of the political subdivision where the building or real property is located may submit a written notice to the county auditor of intention to petition for a public vote. The notice must be filed with the county auditor within fourteen days of the publication of the decision of the governing body. A petition for a public vote must contain the names of at least ten percent of the qualified electors from that governing body's jurisdiction who voted in the last general election and must be filed with the county auditor within one hundred twenty days of the governing body's publication of notice of its final action. If a petition is filed, the matter must be submitted for a vote of the qualified electors at the next special, primary, or general election held in that jurisdiction. All actions to remove, demolish, or significantly degrade the historical characteristics of a building or real property are stayed for fourteen days after the governing body's publication of notice of its final action, and if notice of intention to seek a public vote is filed, actions are stayed until either the petition fails or the public vote is held"

Page 2, remove lines 20 through 25

Page 2, line 26, remove "jurisdiction"

Page 3, after line 8, insert:

"SECTION 4. LEGISLATIVE COUNCIL STUDY OF THE PROTECTION OF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS OR SITES. The legislative council shall consider studying, during the 2003-04 interim, issues relating to the protection of historical or archaeological artifacts or sites that are found or located upon land owned by the state or its political subdivisions or otherwise comes into the custody or possession of the state or its political subdivisions and the role of the director of the state historical society of North Dakota in the protection of historical or archaeological artifacts or sites. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

SECTION 5. APPLICATION OF ACT. This Act applies to any proceeding or determination not finalized before the effective date of this Act."

Renumber accordingly

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 9:00 a.m., Thursday, April 3, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1212: 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). HB 1212 was placed on the Sixth order on the calendar.

Page 1, line 3, after "subdivisions" insert "; to provide for a legislative council study"

Page 2, remove lines 13 through 16

Page 2, line 17, replace "4." with "3."

Page 2, line 28, replace "5." with "4."

Page 3, after line 2, insert:

- "5. This section does not apply to any agency that is an occupational or professional licensing authority, nor does this section apply to the following agencies:
 - a. Council on the arts.
 - b. Beef commission.
 - c. Dairy promotion commission.
 - d. Dry bean council.
 - e. Highway patrolmen's retirement board.
 - f. Indian affairs commission.
 - g. Board for Indian scholarships.
 - h. State personnel board.
 - i. Potato council.
 - j. Board of public school education.
 - k. Real estate trust account committee.
 - l. Seed commission.
 - m. Soil conservation committee.
 - n. Oilseed council.
 - o. Wheat commission.
 - p. State seed arbitration board.
6. This section does not apply to rules mandated by federal law.
7. The adopting agency shall provide the administrative rules committee copies of any regulatory analysis or economic impact statement, or both, prepared under this section when the committee is considering the associated rules.

SECTION 2. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 2003-04 interim, the effects and operation of requiring agency consideration of the effect of proposed administrative rules on small businesses, organizations, and political subdivisions. 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

REPORT OF STANDING COMMITTEE

HB 1295, as engrossed: 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). Engrossed HB 1295 was placed on the Sixth order on the calendar.

Page 1, replace lines 23 and 24 with:

- "a. Total number of contract days employed during fiscal year.
- b. Normal year contract base salary:
 - (1) 401(a);
 - (2) 401(k);
 - (3) 403(b);
 - (4) 414(h); and
 - (5) 457.
- c. Extended year contract base salary:
 - (1) 401(a);
 - (2) 401(k);
 - (3) 403(b);
 - (4) 414(h); and
 - (5) 457.
- d. Extracurricular activities:
 - (1) Advisor;
 - (2) Athletics; and
 - (3) Music.
- e. In-staff subbing and workload adjustment.
- f. In-service:
 - (1) Workshops; and
 - (2) Conference, not expense reimbursement.
- g. Signing and retention bonus.
- h. Other bonus, grant, stipends, and consortium work.
- i. Miscellaneous compensation:
 - (1) Chaperone; and
 - (2) After school programs.
- j. Other category A salary, not listed above.
- k. Perfect attendance and unused sick, personal, and vacation days.
- l. In lieu pay:
 - (1) Housing allowance;
 - (2) Transportation expenses; and

- (3) All other in lieu payments.
- m. Contract buyout:
 - (1) Reduction in force;
 - (2) Severance; and
 - (3) Early retirement pay.
- n. Salary in lieu of previous employer-provided fringe benefits.
- o. Training, technical, and professional development reimbursement.
- p. Tuition reimbursement or loan forgiveness payment.
- q. Referee, bus driver, and janitorial payments.
- r. Other category B salary, not listed above.
- s. Federal Insurance Contributions Act tax, social security, and medicare.
- t. Insurance:
 - (1) Unemployment;
 - (2) Workers compensation;
 - (3) Disability;
 - (4) Life;
 - (5) Health;
 - (6) Vision;
 - (7) Dental;
 - (8) Cancer;
 - (9) Long-term care; and
 - (10) Other insurance not listed above.
- u. Dues or membership fees paid by employer:
 - (1) Direct payment; and
 - (2) Reimbursement.
- v. Teacher fund for retirement contribution paid by employer.
- w. Other benefits not listed above."

Page 2, remove lines 1 through 18

Page 2, line 19, replace "3." with "2." and overstrike the colon

Page 2, line 20, overstrike "a. Compile the information required by", remove "this section", and overstrike "in a manner"

Page 2, line 21, overstrike "that allows for accurate comparisons"

Page 2, line 25, remove ";and"

Page 2, line 26, overstrike "b. Forward" and insert immediately thereafter "forward"

Page 2, line 28, remove the overstrike over "3." and remove "4."

Page 2, line 30, replace "5." with "4."

Page 3, line 3, replace "6." with "5."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1361, as reengrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1361 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1363, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1363 was placed on the Sixth order on the calendar.

Page 1, line 6, after the second boldfaced period insert:

"1."

Page 1, line 9, remove ", in whole or in part,"

Page 1, line 11, overstrike "seven" and insert immediately thereafter "six"

Page 1, after line 22, insert:

- "2. Notwithstanding that the commission may suspend a filing and order a hearing, a public utility may file for interim rate relief as part of its general rate increase application and filing. If interim rates are requested, the commission shall order that the interim rate schedule take effect no later than sixty days after the initial filing date and without a public hearing. The interim rate schedule must be calculated using the proposed test year cost of capital, rate base, and expenses, except that the schedule must include:
- a. A rate of return on common equity for the public utility equal to that authorized by the commission in the public utility's most recent rate proceeding;
 - b. Rate base or expense items the same in nature and kind as those allowed by a currently effective commission order in the public utility's most recent rate proceeding; and
 - c. No change in existing rate design.
3. In ordering an interim rate schedule, the commission may require a bond to secure any projected refund required by subsection 4. The terms of the bond, including the amount and surety, are subject to the commission's approval.
4. As ordered by the commission, the utility shall promptly refund to persons entitled thereto all interim rate amounts collected by the public utility in excess of the final rates approved by the commission plus reasonable interest at a rate to be determined by the commission."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1451, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1451 was placed on the Sixth order on the calendar.

Page 1, remove lines 9 through 12

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1489, as engrossed: 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). Engrossed HB 1489 was placed on the Sixth order on the calendar.

Page 4, line 3, replace "elementary" with "early"

Page 4, line 27, replace "six" with "eight"

Page 5, line 4, replace "six" with "eight"

Page 5, line 31, remove "(1)"

Page 6, remove lines 1 through 14

Page 6, line 15, remove "(1)"

Page 6, remove lines 16 through 25

Page 6, line 26, remove "academic areas:"

Page 6, line 27, after "a" insert "major in a" and remove "major"

Page 7, remove lines 7 through 12

Page 7, line 15, replace "seven" with "nine"

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2148, as engrossed: Your conference committee (Sens. Trenbeath, Lyson, Polovitz and Reps. Bernstein, Wrangham, Onstad) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 863-864 and place SB 2148 on the Seventh order.

Engrossed SB 2148 was placed on the Seventh order of business on the calendar.

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

WILLIAM R. HORTON, Secretary

