

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

* * * * *

Bismarck, April 11, 2005

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

The prayer was offered by Aruna Seth of the Unitarian Universalist Fellowship, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 7, 2005, I have signed the following: SB 2005, SB 2017, SB 2027, SB 2028, SB 2067, SB 2101, SB 2117, SB 2147, SB 2186, SB 2208, SB 2269, SB 2301, SB 2336, SB 2343, SB 2344, SB 2368, and SB 2412.

Also, on April 8, 2005, I have signed the following: SB 2022, SB 2044, SB 2272, SB 2280, SB 2281, SB 2326, SB 2371, SB 2395, and SB 2411.

MOTION

SEN. CHRISTMANN MOVED that SB 2251 and SB 2372 be placed at the bottom of the Seventh order, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. TRENBEATH MOVED that the conference committee report on Engrossed SB 2047 as printed on SJ page 1413 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2047, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2047: A BILL for an Act to amend and reenact sections 23-12-14, 26.1-41-01, 26.1-41-09, 26.1-41-11, and 26.1-41-12 of the North Dakota Century Code, relating to medical records and no-fault motor vehicle insurance; and to repeal section 26.1-41-17 of the North Dakota Century Code, relating to equitable allocation of losses.

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; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Reengrossed SB 2047 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KREBSBACH MOVED that the conference committee report on Engrossed SB 2174 as printed on SJ page 1413 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2174, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2174: A BILL for an Act to amend and reenact subsection 2 of section 47-10.2-01 of the North Dakota Century Code, relating to escrow account excess amounts.

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

Reengrossed SB 2174 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KREBSBACH MOVED that the conference committee report on SB 2187 as printed on SJ page 1414 be adopted, which motion prevailed on a voice vote.

SB 2187, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2187: A BILL for an Act to create and enact section 26.1-27-03.1 of the North Dakota Century Code, relating to bond requirements for third-party administrators; to amend and reenact section 26.1-27-03 of the North Dakota Century Code, relating to fees for acting as a third-party administrator and the penalties for acting without a third-party administrator license; to repeal section 26.1-27-04 of the North Dakota Century Code, relating to the waiver of third-party registration requirements; and to provide a penalty.

ROLL CALL

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

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

Engrossed SB 2187 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SYVERSON MOVED that the conference committee report on Engrossed SB 2302 as printed on SJ page 1416 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2302, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2302: A BILL for an Act to amend and reenact section 28-20-34 of the North Dakota Century Code, relating to postjudgment interest.

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

Reengrossed SB 2302 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. TRIPLETT MOVED that the conference committee report on Engrossed HB 1417 as printed on SJ page 1417 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1417, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1417: A BILL for an Act to amend and reenact sections 15.1-09-16, 16.1-11-38, 16.1-14-01, 16.1-15-01, 16.1-15-02, 16.1-15-04, 16.1-15-05, 16.1-15-06, and 16.1-15-08, subsections 1 and 2 of section 16.1-15-09, sections 16.1-15-12, 16.1-15-13, 16.1-15-15, 16.1-15-16, 16.1-15-19, 16.1-15-21, 16.1-15-22, 16.1-15-24, 16.1-15-25, 16.1-15-29, 16.1-15-30, 16.1-15-33, 16.1-15-34, 16.1-15-35, 16.1-15-43, 40-21-17, and 58-04-15 of the North Dakota Century Code, relating to tie votes and the canvassing of votes; and to repeal sections 16.1-15-02.1 and 16.1-15-03 of the North Dakota Century Code, relating to canvassing of votes.

ROLL CALL

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

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

NAYS: O'Connell

Engrossed HB 1417, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. G. LEE MOVED that the conference committee report on HB 1434 as printed on SJ pages 1417-1418 be adopted, which motion prevailed on a voice vote.

HB 1434, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1434: A BILL for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to amendment of the state accountability plan under the No Child Left Behind Act; and to amend and reenact section 54-35-21 of the North Dakota Century Code, relating to the interim no child left behind committee.

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

HB 1434, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SYVERSON MOVED that the conference committee report on Engrossed HB 1453 as printed on SJ page 1418 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1453, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1453: A BILL for an Act to create and enact a new subsection to section 54-41-03 of the North Dakota Century Code, relating to authorized use of the coat of arms of the state; and to provide for a legislative council study.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer;

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

NAYS: Krauter

Engrossed HB 1453, as amended, passed and the title was agreed to.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2047, SB 2174, SB 2187, SB 2302.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1417, HB 1434, HB 1453.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2200.

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 1524 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1524: Reps. Devlin; Price; Sandvig

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2012: Reps. Timm; Weisz; Williams
SB 2050: Reps. Drovdal; Weiler; Conrad
SB 2270: Reps. Belter; Headland; S. Kelsh
SB 2359: Reps. Drovdal; Weiler; Conrad

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2008, SB 2009, SB 2013, SB 2026, SB 2078, SB 2096, SB 2129, SB 2133, SB 2146, SB 2149, SB 2179, SB 2205, SB 2237, SB 2256, SB 2294, SB 2303, SB 2324, SB 2341, SB 2342, SB 2383, SB 2384, SCR 4021, SCR 4040.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HB 1284.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HB 1314.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1011, HB 1017, HB 1290.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1001, HB 1092, HB 1148, HB 1248, HB 1258, HB 1284, HB 1286, HB 1347, HB 1402, HB 1421, HB 1465, HB 1526.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1289, HB 1313.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1153, HB 1239, HB 1266, HB 1272, HB 1273, HB 1276, HB 1311, HB 1312, HB 1321, HB 1325, HB 1326, HB 1333, HB 1337, HB 1344, HB 1527.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HCR 3002, HCR 3005, HCR 3017, HCR 3031.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HCR 3055.

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.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1416, line 41, before "**LEGISLATIVE**" insert "**SECTION 1.**"

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

CONSIDERATION OF AMENDMENTS

HB 1203, as engrossed: SEN. MUTCH (Industry, Business and Labor Committee)
MOVED that the amendments on SJ pages 1050-1051 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1203: A BILL for an Act relating to business incentives, agreements, and reports; to create and enact a new subdivision to subsection 7 of section 6-08.1-02 of the North Dakota Century Code, relating to disclosure of customer information by the Bank of North Dakota; to provide for a legislative council study; and to provide an effective date.

MOTION

SEN. FAIRFIELD MOVED that Engrossed HB 1203, as amended, be further amended as follows:

In addition to the amendments adopted by the Senate as printed in the Senate Journal, Engrossed House Bill No. 1203 is amended as follows:

Page 4, line 29, after the second "created" insert "broken down by hourly wages of twelve dollars or less per hour and more than twelve dollars per hour"

Page 6, line 22, after "including" insert "identification of how the jobs fit the breakdown of wage ranges under the goals and"

Page 8, line 18, after "including" insert "identification of how the jobs fit the breakdown of wage ranges under the goals and"

Page 9, line 9, after "including" insert "identification of how the jobs fit the breakdown of wage ranges under the goals and"

Renumber accordingly

REQUEST

SEN. FAIRFIELD REQUESTED a recorded roll call vote on the motion to adopt the proposed further amendments to Engrossed HB 1203, as amended, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed further amendments to Engrossed HB 1203, as amended, the roll was called and there were 15 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

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

The proposed further amendments to Engrossed HB 1203, as amended, failed.

MOTION

SEN. FAIRFIELD MOVED that Engrossed HB 1203, as amended, be further amended as follows:

In addition to the amendments adopted by the Senate as printed in the Senate Journal, Engrossed House Bill No. 1203 is amended as follows:

Page 4, line 3, replace "**Notice**" with "**Grantor's criteria**"

Page 4, line 7, after the period insert "Before a grantor grants a business incentive to a recipient, the grantor shall document that the grantor has considered how the recipient's compensation package meets the specific needs of the state or local community and whether the project is consistent with applicable state or community comprehensive plans and development plans."

Page 4, after line 7, insert:

- "3. Except as specifically provided under this subsection, a grantor may not grant a business incentive to a recipient unless the grantor has adopted and complied with the grantor's business incentive criteria. Before adoption of the criteria, the grantor shall hold a public hearing on the proposed criteria. The criteria may not be adopted on a case-by-case basis. The criteria must set specific minimum requirements a recipient is required to meet to be eligible to receive a business incentive. The criteria must include a specified minimum for the earnings to be paid for the jobs created by the recipient. The earnings minimum must be stated as a specific dollar amount or as a formula that will generate a specific dollar amount. In granting a business incentive, the grantor may deviate from the criteria by documenting in writing the reason for the deviation. If a grantor deviates from the criteria, the grantor shall include the written documentation of the reason for the deviation as part of the grantor's annual report under section 7 or 9 of this Act."

Page 4, line 8, replace "3." with "4."

Page 4, line 11, replace "4." with "5."

Renumber accordingly

REQUEST

SEN. FAIRFIELD REQUESTED a recorded roll call vote on the motion to adopt the proposed further amendments to Engrossed HB 1203, as amended, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed further amendments to Engrossed HB 1203, as amended, the roll was called and there were 15 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bercier; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

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

ABSENT AND NOT VOTING: Freborg

The proposed further amendments to Engrossed HB 1203, as amended, failed.

MOTION

SEN. HEITKAMP MOVED that Engrossed HB 1203, as amended, be amended as follows, which motion failed on a voice vote.

In lieu of the amendments adopted by the Senate as printed in the Senate Journal, Engrossed House Bill No. 1203 is amended as follows:

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

Page 2, line 2, replace "The" with "To be considered a business incentive, the total assistance in all forms must be valued at twenty-five thousand dollars or more. Unless specifically provided otherwise, the"

Page 2, remove lines 3 and 4

Page 2, line 5, replace "b." with "a."

Page 2, line 6, remove "location,"

Page 2, line 7, remove "general"

Page 2, line 8, replace "c." with "b."

Page 2, line 13, replace "d." with "c."

Page 2, remove lines 17 through 20

Page 2, line 21, replace "f." with "d."

Page 2, line 23, replace "g." with "e."

Page 2, line 24, replace "h." with "f."

Page 2, line 25, replace "i." with "g."

Page 2, line 26, replace "j." with "h."

Page 2, line 27, replace "k." with "i."

Page 2, line 28, replace "l." with "j."

Page 2, line 29, replace "m." with "k." and replace "Assistance" with "Except for a center of excellence award under section 15-10-41, assistance"

Page 3, line 1, replace "n." with "l."

Page 3, line 4, replace "o." with "m."

Page 3, line 6, replace "p." with "n."

Page 3, line 9, replace "q." with "o."

Page 9, after line 16, insert:

"SECTION 11. LEGISLATIVE COUNCIL STUDY - ECONOMIC DEVELOPMENT BY SCHOOL DISTRICT TAX ABATEMENTS. The legislative council shall consider studying, during the 2005-06 interim, the current system under which property taxes levied by school districts are abated for the purpose of furthering economic development and whether this practice of abating property taxes levied by school districts should continue to be a part of economic development efforts in this state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly.

SECTION 12. LEGISLATIVE COUNCIL STUDY - LOCAL ECONOMIC DEVELOPERS SYSTEM. The legislative council shall consider studying, during the 2005-06 interim, the system of local economic developers to determine whether the existing system provides the most effective and efficient system; whether the system could be improved by providing for increased uniformity in the provision of local economic development services or uniform applications, project investment standards, and economic development authority governance; and whether there are undesirable gaps or duplications in local economic development services, particularly in rural communities. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Page 9, line 17, replace "This" with "Sections 1 through 10 of this" and replace "becomes" with "become"

Renumber accordingly

MOTION

SEN. EVERY MOVED that Engrossed HB 1203, as amended, be amended as follows:

Page 1, line 2, after "6-08.1-02" insert "and a new paragraph to subdivision www of subsection 1 of section 41-09-02"

Page 1, line 3, after "Dakota" insert "and the definition of secured party under the secured transaction provisions of the uniform commercial code"

Page 1, after line 9, insert:

"SECTION 2. A new paragraph to subdivision www of subsection 1 of section 41-09-02 of the North Dakota Century Code is created and enacted as follows:

A person that has a claim for wages against a recipient of a business incentive under sections 3 through 11 of this Act."

Page 1, line 10, replace "2" with "3" and replace "10" with "11"

Page 4, line 4, replace "2" with "3" and replace "10" with "11"

Renumber accordingly

REQUEST

SEN. EVERY REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1203, as amended, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1203, as amended, the roll was called and there were 17 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Cook; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Schobinger; Seymour; Tallackson; Taylor; Triplett; Warner

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

The proposed amendments to Engrossed HB 1203, as amended, failed.

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

Engrossed HB 1203, as amended, 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 1203.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1437.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1346.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1417, HB 1434, HB 1453.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 4:30 p.m., which motion prevailed.

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SYVERSON MOVED that the conference committee report on Engrossed SB 2251 as printed on SJ pages 1414-1416 be adopted, which motion prevailed on a voice vote.

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

SECOND READING OF SENATE BILL

SB 2251: A BILL for an Act to create and enact chapter 51-30 of the North Dakota Century Code, relating to requiring disclosure to consumers of a breach in security by businesses maintaining personal information in electronic form; to amend and reenact sections 12.1-23-11 and 12.1-23-12 of the North Dakota Century Code, relating to the unauthorized use of personal identifying information, penalties, prosecution of offenses in multiple counties, and jurisdiction in offenses involving conduct outside this state; to provide a penalty; to provide an effective date; and to declare an emergency.

ROLL CALL

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

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

Reengrossed SB 2251 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. TOLLEFSON MOVED that the conference committee report on Engrossed SB 2372 as printed on SJ page 1416 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2372, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2372: A BILL for an Act to provide for a legislative council study relating to efforts to discourage alcohol and drug abuse and tobacco use.

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

Reengrossed SB 2372 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2266, as engrossed: Your conference committee (Sens. Brown, Lyson, Warner and Reps. Nelson, Porter, Sandvig) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 896-897, adopt amendments as follows, and place SB 2266 on the Seventh order:

That the House recede from its amendments as printed on pages 896 and 897 of the Senate Journal and page 1144 of the House Journal and that Engrossed Senate Bill No. 2266 be amended as follows:

Page 1, line 22, replace "three" with "two"

Page 1, line 24, after the underscored period insert "The selected community may negotiate a period of service longer than two years."

Page 2, line 3, after "program" insert "subject to the availability of funding"

Page 2, line 6, replace "three-year" with "two-year"

Page 2, line 26, replace "three" with "two"

Page 2, line 31, replace "three" with "a minimum of two"

Renumber accordingly

Engrossed SB 2266 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BROWN MOVED that the conference committee report on Engrossed SB 2266 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2266, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2266: A BILL for an Act to amend and reenact section 43-17.2-01, subsection 5 of section 43-17.2-02, subsection 3 of section 43-17.2-03, and section 43-17.2-08 of the North Dakota Century Code, relating to the state-community matching physician loan repayment program and powers of the state health council.

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; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Reengrossed SB 2266 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2157, as reengrossed: Your conference committee (Sens. Wardner, Tollefson, Bercier and Reps. Delzer, Carlson, Aarsvold) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1180-1181, adopt amendments as follows, and place SB 2157 on the Seventh order:

That the House recede from its amendments as printed on pages 1180 and 1181 of the Senate Journal and pages 1305 and 1306 of the House Journal and that Reengrossed Senate Bill No. 2157 be amended as follows:

Page 1, line 2, after "credit" insert "; to provide an appropriation"

Page 2, line 5, remove the overstrike over "~~eight thousand~~" and insert immediately thereafter "five hundred", remove the overstrike over "~~dollars~~", and remove "the"

Page 2, line 6, remove "federal poverty level"

Page 2, line 8, replace "six hundred" with "thirty-eight"

Page 2, line 9, remove the overstrike over "~~eight thousand~~" and insert immediately thereafter "five hundred", remove the overstrike over "~~dollars~~", and remove "the federal"

Page 2, line 10, remove "poverty level", after "nine" insert "ten", remove the overstrike over "~~thousand~~", and remove the overstrike over "~~dollars~~"

Page 2, line 11, remove "one hundred ten percent of the federal poverty level"

Page 2, line 13, replace "eight" with "four" and replace "eighty" with "thirty"

Page 2, line 15, after "~~nine~~" insert "ten" and remove the overstrike over "~~thousand~~"

Page 2, line 16, remove the overstrike over "~~dollars~~" and remove "one hundred ten percent of the federal poverty level"

Page 2, line 17, remove the overstrike over "~~eleven thousand~~" and insert immediately thereafter "five hundred", remove the overstrike over "~~dollars~~", and remove "one hundred twenty percent of the"

Page 2, line 18, remove "federal poverty level"

Page 2, line 19, remove the overstrike over "~~one~~"

Page 2, line 20, remove "two", replace "one" with "eight", and replace "sixty" with "twenty-three"

Page 2, line 21, remove the overstrike over "~~eleven thousand~~" and insert immediately thereafter "five hundred", remove the overstrike over "~~dollars~~", and remove "one"

Page 2, line 22, remove "hundred twenty percent of the federal poverty level"

Page 2, line 23, after "~~twelve~~" insert "thirteen", remove the overstrike over "~~thousand~~", remove the overstrike over "~~dollars~~", and remove "one hundred thirty percent of the"

Page 2, line 24, remove "federal poverty level"

Page 2, line 26, replace "four" with "two" and replace "forty" with "fifteen"

Page 2, line 27, after "~~twelve~~" insert "thirteen" and remove the overstrike over "~~thousand~~"

Page 2, line 28, remove the overstrike over "~~dollars~~" and remove "one hundred thirty percent of the federal poverty level"

Page 2, line 29, remove the overstrike over "~~fourteen thousand~~" and insert immediately thereafter "five hundred", remove the overstrike over "~~dollars~~", and remove "one hundred forty percent of the"

Page 2, line 30, remove "federal poverty level"

Page 3, line 2, replace "seven" with "six" and replace "twenty" with "eight"

Page 4, remove lines 1 through 3

Page 4, line 24, remove the overstrike over "~~be in excess of~~"

Page 4, line 25, remove the overstrike over "~~two hundred forty dollars~~" and remove "exceed the amount provided in this subdivision"

Page 4, line 28, remove "Maximum refunds for applicants must be determined according to"

Page 4, remove lines 29 through 31

Page 5, remove lines 1 through 14

Page 6, remove lines 18 through 26

Page 6, line 27, replace "c." with "b."

Page 6, line 28, replace "d." with "c."

Page 7, line 4, replace "e." with "d."

Page 7, line 8, replace "f." with "e."

Page 7, after line 12, insert:

"SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the tax commissioner for the purpose of homestead tax credit reimbursement in addition to other funds available for that purpose, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Page 7, line 14, replace "2006" with "2004, for ad valorem property taxes and for taxable years beginning after December 31, 2005, for mobile home taxes"

Renumber accordingly

Reengrossed SB 2157 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WARDNER MOVED that the conference committee report on Reengrossed SB 2157 be adopted, which motion prevailed on a verification vote.

Reengrossed SB 2157, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2157: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to eligibility for and application of the homestead property tax credit; to provide an appropriation; and to provide an effective 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; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Reengrossed SB 2157 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1346, as engrossed: Your conference committee (Sens. Trenbeath, Hacker, Triplett and Reps. Klemm, DeKrey, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 941, adopt amendments as follows, and place HB 1346 on the Seventh order:

That the Senate recede from its amendments as printed on page 941 of the House Journal and pages 711 and 712 of the Senate Journal and that Engrossed House Bill No. 1346 be amended as follows:

Page 1, line 2, remove "and" and after "penalty" insert "; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 8, overstrike "nonliquid"

Page 1, line 18, after "3." insert "a." and after "shall" insert "require, obtain, and make a written record of the identification of the person purchasing the methamphetamine precursor drug, the identification being a document issued by a government agency as described in subdivisions a and b of subsection 5, and shall"

Page 1, line 20, replace "a." with "(1)"

Page 1, line 23, replace "b." with "(2)"

Page 1, line 24, after the underscored semicolon insert "or"

Page 2, remove lines 1 and 2

Page 2, line 3, replace "d." with "(3)"

Page 2, line 4, replace "; or" with: ".

- b. The person shall maintain the record of identification required by this subsection for three years, after which the record must be destroyed. The person may not use or maintain the record for any private or commercial purpose or disclose the record to any person, except as required by law. The person shall disclose the record, upon request, to a law enforcement agency for a law enforcement purpose."

Page 2, remove lines 5 through 8

Page 3, after line 22, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on June 1, 2005.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2007, and after that date is ineffective.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

Engrossed HB 1346 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SYVERSON MOVED that the conference committee report on Engrossed HB 1346 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1346, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1346: A BILL for an Act to amend and reenact section 19-03.4-08 of the North Dakota Century Code, relating to retail sale of a methamphetamine precursor drug; to provide a penalty; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

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

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

Engrossed HB 1346, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

HB 1437, as engrossed: Your conference committee (Sens. Espgaard, Mutch, Heitkamp and Reps. Nottestad, Kasper, Amerman) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1345 and place HB 1437 on the Seventh order.

Engrossed HB 1437 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ESPEGARD MOVED that the conference committee report on Engrossed HB 1437 be adopted, which motion prevailed on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1154 and HB 1524, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1524: Sens. Cook, Hacker, Triplett.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Reengrossed HB 1154: Sens. Freborg, Flakoll, Seymour.

MOTION

SEN. CHRISTMANN MOVED that Sen. Syverson replace Sen. Traynor on the Conference Committee on SB 2373, and that Sen. Trenbeath replace Sen. Traynor on the Conference Committee on HB 1259, which motion prevailed.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2157, SB 2266, SB 2372.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2251.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1346.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1437.

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 1154: Sens. Freborg; Flakoll; Seymour

HB 1524: Sens. Cook; Hacker; Triplett

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

MR. SPEAKER: The President has appointed Sen. Syverson to replace Sen. Traynor on the Conference Committee on SB 2373.

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

MR. SPEAKER: The President has appointed Sen. Trenbeath to replace Sen. Traynor on the Conference Committee on HB 1259.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1231.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2111, SB 2302.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2047, SB 2174.

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

MR. PRESIDENT: The Speaker has signed: SB 2008, SB 2009, SB 2013, SB 2026, SB 2078, SB 2096, SB 2129, SB 2133, SB 2146, SB 2149, SB 2179, SB 2205, SB 2237, SB 2256, SB 2294, SB 2303, SB 2324, SB 2341, SB 2342, SB 2383, SB 2384, SCR 4021, SCR 4040.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Tuesday, April 12, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1531: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1531 was placed on the Sixth order on the calendar.

Page 1, line 2, after "discount" insert "; and to repeal House Bill No. 1171 of the fifty-ninth legislative assembly, relating to the definition of permanent total disability and temporary total disability, eligibility for partial disability benefits, and vocational rehabilitation options, retraining, and noncompliance appeals for workforce safety and insurance purposes"

Page 1, after line 12, insert:

"SECTION 2. REPEAL. House Bill No. 1171, as approved by the fifty-ninth legislative assembly, is repealed."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2059, as engrossed: Your conference committee (Sens. Kringstad, Holmberg, Tallackson and Reps. Galvin, Froseth, Potter) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1094 and place SB 2059 on the Seventh order.

Engrossed SB 2059 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1231, as engrossed: Your conference committee (Sens. Dever, J. Lee, Warner and Reps. Brusegaard, Weisz, Sandvig) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1320-1321, adopt amendments as follows, and place HB 1231 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1320 and 1321 of the House Journal and pages 976 and 977 of the Senate Journal and that Engrossed House Bill No. 1231 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 25-07 of the North Dakota Century Code, relating to the provision of services to individuals who are deaf or hearing-impaired; and to"

Page 1, line 8, replace "must" with "may"

Page 3, after line 20, insert:

"SECTION 7. A new section to chapter 25-07 of the North Dakota Century Code is created and enacted as follows:

Provision of services - Collaboration - Competition. The school for the deaf may collaborate with public and private entities for the provision of services to individuals who are deaf or hearing-impaired. The school for the deaf may not compete with any public or private entity offering the same services within a region."

Renumber accordingly

Engrossed HB 1231 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

