

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

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Bismarck, March 1, 2005

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

The prayer was offered by Pastor Bob Weiss, Bismarck Baptist Church, Bismarck.

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

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SCR 4035: SEN. DEVER (Political Subdivisions Committee) MOVED that the amendments on SJ pages 664-665 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1193: SEN. WARDNER (Natural Resources Committee) MOVED that the amendments on SJ pages 665-666 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1238: SEN. TOLLEFSON (Natural Resources Committee) MOVED that the amendments on SJ page 666 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended and that after action taken on the Sixth order, Engrossed HB 1092 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1092, as engrossed: SEN. HACKER (Political Subdivisions Committee) MOVED that the amendments on SJ page 665 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1092: A BILL for an Act to repeal section 54-44.4-08 of the North Dakota Century Code, relating to the purchase of recycled paper products by state agencies and institutions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 1 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; Mutch; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner; Warner

NAYS: Mathern; Nelson; Triplett

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1092, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that Senate Rule 508 be amended to read "forty-second" in place of "thirty-seventh", thereby extending the deadline for reporting resolutions out of committee, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that HCR 3021 be returned to the Senate floor from the **Agriculture Committee**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended and that HCR 3021 be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3021: A concurrent resolution urging the North Dakota Attorney General to support legal action to prevent the importation of live cattle and edible beef products from Canada and other countries where bovine spongiform encephalopathy is present.

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

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

SECOND READING OF HOUSE BILL

HB 1062: A BILL for an Act to amend and reenact section 20.1-02-28 of the North Dakota Century Code, relating to eligibility to participate in the deerproof hay yard program.

ROLL CALL

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

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

NAYS: Fairfield; Robinson

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1062, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1094: A BILL for an Act to amend and reenact section 4-01-17.3 of the North Dakota Century Code, relating to the disposition of furs taken by the United States department of agriculture wildlife services.

MOTION

SEN. WARDNER MOVED that HB 1094, as amended, be amended as follows, which motion prevailed on a voice vote.

In lieu of the amendments adopted by the Senate as printed on page 656 of the Senate Journal, House Bill No. 1094 is amended as follows:

Page 1, line 10, after "sales" insert ", up to fifteen thousand dollars per biennium."

Renumber accordingly

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, 0 NAYS, 0 EXCUSED, 1 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

HB 1094, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1266: A BILL for an Act to create and enact a new subsection to section 54-52.6-02 of the North Dakota Century Code, relating to returning to employment after retirement under the public employees retirement system defined contribution retirement plan; to amend and reenact subsection 1 of section 54-52-05 of the North Dakota Century Code, relating to returning to employment after retirement under the public employees retirement system defined benefit retirement plan; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

HB 1266, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1099: A BILL for an Act to amend and reenact sections 39-18-01, 39-18-02, 39-22-05, 39-22-14, 39-22-18, 39-22.1-02, 39-22.1-03, 39-22.3-03, and 39-22.3-05 of the North Dakota Century Code, relating to penalties assessed against vehicle dealers, bond requirements for vehicle dealers, renewal of a dealer license, and unlicensed vehicle dealers; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1099 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1027: A BILL for an Act to amend and reenact section 52-04-05 of the North Dakota Century Code, relating to the determination of unemployment insurance tax rates.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1027 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1078: A BILL for an Act to create and enact a new subsection to section 57-51-05 of the North Dakota Century Code, relating to calculation of the oil and gas gross production tax.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

HB 1078 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1080: A BILL for an Act to amend and reenact sections 54-24.4-01 and 54-24.4-05 of the North Dakota Century Code, relating to the North Dakota library coordinating council.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

HB 1080 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1109: A BILL for an Act to create and enact section 27-20-38.1 of the North Dakota Century Code, relating to notice to custodians of minor children under the Uniform Juvenile Court Act.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 40 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Cook; Dever; Lee, J.; Lyson; Schobinger; Syverson

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

ABSENT AND NOT VOTING: Tallackson

HB 1109 lost.

SECOND READING OF HOUSE BILL

HB 1111: A BILL for an Act to amend and reenact section 18-04-05 of the North Dakota Century Code, relating to fire district payments by the insurance commissioner to cities, rural fire protection districts, and rural fire departments.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

HB 1111 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1129: A BILL for an Act to amend and reenact subsections 4 and 5 of section 44-08-04 of the North Dakota Century Code, relating to the allowance for state officers and employees for meals outside the continental United States.

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 45 YEAS, 1 NAY, 0 EXCUSED, 1 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.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Lee, J.

ABSENT AND NOT VOTING: Tallackson

HB 1129 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1131: A BILL for an Act to amend and reenact subsection 2 of section 6-09.11-03 and subsection 4 of section 6-09.11-05 of the North Dakota Century Code, relating to participation interest purchased by the Bank of North Dakota and the maximum net worth of an applicant for a Financial Assistance for Family Farmers Act loan.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

HB 1131 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1139: A BILL for an Act to amend and reenact subsection 17 of section 12.1-34-02 of the North Dakota Century Code, relating to confidentiality of victim's statements in parole and pardon review; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 1 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Triplett; Warner

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1139 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1167: A BILL for an Act to amend and reenact section 60-02-11, subsection 6 of section 60-02-16, sections 60-02-17, 60-02-24, 60-02-30, 60-02-31, and 60-02-32, and subsection 4 of section 60-02-40 of the North Dakota Century Code, relating to the conversion of warehouse scale tickets, termination of warehouse storage contracts, and filing of monthly reports; and to repeal section 60-02-37 of the North Dakota Century Code, relating to notification to the public service commission of the destruction of a warehouse.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

HB 1167 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1223: A BILL for an Act to create and enact a new section to chapter 53-10 and a new chapter to title 53 of the North Dakota Century Code, relating to liability for injury or damage incurred during equine activity and during activity involving livestock; and to amend and reenact section 53-10-02 of the North Dakota Century Code, relating to liability for injury or damage incurred during equine activity.

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 27 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Erbele; Every; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Mathern; Mutch; O'Connell; Robinson; Seymour; Stenehjem; Taylor; Urlacher; Wardner

NAYS: Cook; Dever; Espegard; Fairfield; Freborg; Hacker; Kilzer; Kringstad; Lyson; Nelson; Nething; Schobinger; Syverson; Thane; Tollefson; Traynor; Trenbeath; Triplett; Warner

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1223 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1247: A BILL for an Act to amend and reenact sections 4-10.3-03 and 4-10.3-04 of the North Dakota Century Code, relating to the dry bean council and dry bean districts; and to provide for application.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

HB 1247 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1300: A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to exemptions from audit requirements for certain political subdivisions.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1300 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1492: A BILL for an Act to amend and reenact section 4-05.1-05 of the North Dakota Century Code, relating to feral hemp seed.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1492 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1340: A BILL for an Act to amend and reenact section 6-05.1-04 of the North Dakota Century Code, relating to locations for multiple offices of a subsidiary trust company.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

HB 1340 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1392: A BILL for an Act to create and enact a new section to chapter 36-09 of the North Dakota Century Code, relating to the costs of brand reinspection; to amend and reenact sections 36-09-09 and 36-09-24 of the North Dakota Century Code, relating to brand recording and fieldmen; to repeal section 36-09-09 of the North Dakota Century Code, relating to the cancellation and rerecording of brands; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

HB 1392 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1519: A BILL for an Act to amend and reenact sections 4-14.1-02 and 4-14.1-03.1 of the North Dakota Century Code, relating to agricultural products utilization commission grants.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Brown; 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; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Tallackson

HB 1519 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended and that HCR 3021 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 unchanged: HCR 3021.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1034, HB 1098, HB 1138, HB 1166, HB 1218, HB 1396.

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

MR. SPEAKER: The Senate has failed to pass: HB 1058.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1275.

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

MR. PRESIDENT: The House has passed unchanged: SB 2085, SB 2086, SB 2091, SB 2128, SB 2136, SB 2218.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2029, SB 2030, SB 2034, SB 2035, SB 2045, SB 2068, SB 2070, SB 2080, SB 2081, SB 2083, SB 2084, SB 2103, SB 2104, SB 2105, SB 2123, SB 2131, SB 2135, SB 2148.

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

MR. SPEAKER: The President has signed: HB 1037, HB 1053, HB 1059, HB 1077, HB 1079, HB 1082, HB 1085, HB 1087, HB 1088, HB 1090, HB 1114, HB 1132, HB 1133, HB 1146, HB 1147, HB 1150, HB 1158, HB 1160, HB 1192, HB 1212, HB 1219, HB 1226, HB 1228, HB 1267, HB 1436.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1066, HB 1068, HB 1081, HB 1083, HB 1084, HB 1093, HB 1100, HB 1102, HB 1117, HB 1128, HB 1137, HB 1162, HB 1180, HB 1237, HB 1264, HB 1355, HB 1412, HCR 3020.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, March 2, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4037: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4037 was placed on the Sixth order on the calendar.

Page 1, line 1, after "fences" insert "located outside the corporate limits of the state's cities"

Page 1, line 2, replace "their" with "the" and after "relevancy" insert "of those laws"

Page 1, line 3, replace "out" with "our"

Page 1, line 15, after "fences" insert "located outside the corporate limits of the state's cities", replace "their" with "the", and after "relevancy" insert "of those laws"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1075: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1075 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1107: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1107 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1144: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1144 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1199, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1199 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1389, as reengrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1389 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1506, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1506 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1512, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1512 was placed on the Fourteenth order on the calendar.

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

William R. Horton, Secretary