

JOURNAL OF THE SENATE

Fifty-seventh Legislative Assembly

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Bismarck, February 2, 2001

The Senate convened at 12:30 p.m., with President Pro Tem Krebsbach presiding.

The prayer was offered by Pastor Mark Antell, Victory Free Lutheran, Park River, and Grace Lutheran, Edinburg.

The roll was called and all members were present.

A quorum was declared by the President Pro Tem.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

February 1, 2001

Pursuant to Article VIII, Section 6 of the North Dakota Constitution, I am hereby nominating Richard Kunkel of Devils Lake, North Dakota, to serve on the State Board of Higher Education, effective October 21, 1999, to fulfill the term of Jack Hoeven, whose term will expire July 1, 2002.

Mr. Kunkel's name is submitted in accordance with Article VIII, section 6 of the North Dakota Constitution. He is a graduate of Minot State University (bachelors) and University of North Dakota (masters/doctorate).

I would appreciate the Senate confirming this nomination within the first thirty legislative days of the session.

Thank you for your consideration.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

February 1, 2001

Pursuant to Article VIII, Section 6 of the North Dakota Constitution, I am hereby nominating Charles Stroup of Hazen, North Dakota, to serve on the State Board of Higher Education succeeding Joe Peltier, whose term ended on July 1, 2000.

Mr. Stroup's name is submitted in accordance with NDCC 15-10-02. He is a graduate of North Dakota State University and meets the requirements of Article VIII, section 6 of the North Dakota Constitution and NDCC 15-10. Therefore, I ask the Senate to confirm Charles Stroup for this position.

By submitting the nomination at this time I have fulfilled my duty in accordance with law. I would appreciate the Senate confirming this nomination within the first thirty legislative days of the session.

Thank you for your consideration.

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural **Committee on Committees (Sen. G. Nelson, Chairman)** respectfully submits the following names for your **Select Committee** to approve the Board of Higher Education nominees: Sen. Christmann, Chairman, and Sens. Grindberg, Solberg, Klein, Cook, Krauter, and Heitkamp.

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

CONSIDERATION OF AMENDMENTS

SB 2160: SEN. KILZER (Human Services Committee) MOVED that the amendments on SJ page 255 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2181: SEN. STENEHJEM (Finance and Taxation Committee) MOVED that the amendments on SJ pages 255-256 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2295: SEN. T. MATHERN (Human Services Committee) MOVED that the amendments on SJ page 257 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2299 be moved to the bottom of the calendar, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that after action taken on the Sixth order, bills on that order be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2008: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ pages 252-253 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act to provide an appropriation for defraying the expenses of the department of banking and financial 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2008 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2106: SEN. WANZEK (Education Committee) MOVED that the amendments on SJ page 253 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2106: A BILL for an Act to amend and reenact sections 15-40.3-01, 15-40.3-06, and 15-40.3-07 of the North Dakota Century Code or in the alternative to amend and reenact sections 15.1-31-01, 15.1-31-06, and 15.1-31-07 of the North Dakota Century Code, relating to open enrollment between school districts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2106 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2129: SEN. FISCHER (Human Services Committee) MOVED that the amendments on SJ pages 253-255 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2129: A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to abandoned infants.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Schobinger

Engrossed SB 2129 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2173: SEN. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ page 255 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2173: A BILL for an Act to create and enact a new section to chapter 11-18 of the North Dakota Century Code, relating to creation of a document preservation fund; and to amend and reenact section 11-18-05 of the North Dakota Century Code, relating to fees charged by the register of deeds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Christenson; Christmann; Erbele; Espegard; Fischer; Flakoll; Freborg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, T.; Nelson, C.; Nelson, G.; Nething; Polovitz; Robinson; Schobinger; Tallackson; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Bowman; Cook; Dever; Every; Grindberg; Heitkamp; Kelsh; Krauter; Mathern, D.; Mutch; Nichols; O'Connell; Solberg; Stenehjem; Thane

Engrossed SB 2173 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2205: SEN. WARDNER (Finance and Taxation Committee) MOVED that the amendments on SJ page 256 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2205: A BILL for an Act to amend and reenact sections 57-51.1-01, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to determination of the trigger price that determines application of oil extraction tax rates and exemptions; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2205 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2257: SEN. LYSON (Judiciary Committee) MOVED that the amendments on SJ pages 256-257 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2257: A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm at a public gathering.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2257 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SCR 4011: SEN. COOK (Political Subdivisions Committee) MOVED that the amendments on SJ page 258 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4011: A concurrent resolution directing the Legislative Council to study the library system in North Dakota to determine the most efficient and effective methods for delivery of library services.

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

Engrossed SCR 4011 was declared adopted, and the title was agreed to on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1092, as engrossed: SEN. LYSON (Judiciary Committee) MOVED that the amendments on SJ page 258 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 create and enact a new subsection to section 12.1-08-06 of the North Dakota Century Code, relating to escapes and jurisdiction over escapes; to amend and reenact subsection 1 of section 12.1-08-06 of the North Dakota Century Code, relating to escapes; to repeal sections 29-03-15 and 29-03-16 of the North Dakota Century Code, relating to escapes; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1092, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2126: A BILL for an Act to amend and reenact sections 43-30-01 and 43-30-02 of the North Dakota Century Code, relating to private investigative and security services.

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2126 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2127: A BILL for an Act to create and enact a new section to chapter 26.1-02 of the North Dakota Century Code, relating to prohibiting disclosure by an insurer of nonpublic personal information; and to amend and reenact section 26.1-03-11.3 of the North Dakota Century Code, relating to the insurance commissioner sharing confidential information with other state agencies.

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 33 YEAS, 16 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; Dever; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Mutch; Nelson, C.; Nelson, G.; Nething; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Christenson; Erbele; Every; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, T.; Nichols; O'Connell; Polovitz; Robinson; Tollefson; Tomac; Trenbeath

Engrossed SB 2127 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2211: A BILL for an Act to create and enact a new chapter to title 6 of the North Dakota Century Code, relating to the provision of a self-critical financial institution analysis privilege.

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2211 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2214: A BILL for an Act to amend and reenact section 36-01-01 of the North Dakota Century Code, relating to membership on the state board of animal health.

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2214 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2314: A BILL for an Act to amend and reenact section 23-06-03.1 of the North Dakota Century Code, relating to pre-need funeral contracts.

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2314 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2323: A BILL for an Act to create and enact alternative new sections to chapter 15.1-08 of the North Dakota Century Code, relating to the open enrollment of students registered in military installation school districts; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2323 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2324: A BILL for an Act to provide for a legislative council study.

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson;

Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2324 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2349: A BILL for an Act to amend and reenact section 6-09.15-03 of the North Dakota Century Code, relating to loans under the beginning entrepreneur loan guarantee program; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2349 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2036: A BILL for an Act relating to the adoption of state academic content standards for schools; and to amend and reenact section 15.1-06-06 of the North Dakota Century Code, relating to the approval of schools.

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 12 YEAS, 37 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Holmberg; Kelsh; Krauter; Lindaas; Mathern, D.; Nelson, C.; O'Connell; Polovitz; Robinson; Tallackson

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Kilzer; Klein; Krebsbach; Kringstad; Kroepflin; Lee; Lyson; Mathern, T.; Mutch; Nelson, G.; Nething; Nichols; Schobinger; Solberg; Stenehjerm; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2036 lost.

SECOND READING OF SENATE BILL

SB 2201: A BILL for an Act to provide for the removal of a future interest and a covenant from deeds transferring land from this state to the Devils Lake public school district No. 1.

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2201 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2227: A BILL for an Act to amend and reenact section 49-23-06 of the North Dakota Century Code, relating to damages to underground facilities.

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2227 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2248: A BILL for an Act to amend and reenact section 47-02-27.1 of the North Dakota Century Code, relating to contingent property interests in personal property.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2248 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2254: A BILL for an Act to amend and reenact sections 12.1-20-06 and 12.1-20-07 of the North Dakota Century Code, relating to sexual abuse of wards and sexual assault; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2254 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2255: A BILL for an Act to amend and reenact sections 44-06-02, 44-06-04.1, and 44-06-12 and subsection 4 of section 44-06-13.1 of the North Dakota Century Code, relating to notary public address and name changes.

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

YEAS: Andrist; Bercier; Christenson; Christmann; Cook; Dever; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, T.; Mutch; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Bowman; Erbele; Heitkamp; Kelsh; Klein; Krauter; Kroepflin; Mathern, D.; Nelson, C.; O'Connell; Trenbeath

SB 2255 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2259: A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to audits of park districts.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Urlacher

SB 2259 passed and the title was agreed to.

MOTION

SEN. G. NELSON MOVED that SB 2299 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2299: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED that the amendments as follows be substituted for the amendments of the Standing Committee Report on SJ pages 257-258, and that the substitute amendments be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

Page 4, line 29, remove the overstrike over "~~g. Coal~~" and insert immediately thereafter "mined in this state and", remove the overstrike over "~~used for heating buildings~~", after "and" insert ", except for", and remove the overstrike over "~~coal used in agricultural~~"

Page 4, line 30, remove the overstrike over "~~processing or sugar beet refining plants~~"

Page 4, line 31, remove the overstrike over the period

Page 5, line 18, remove the overstrike over "~~used in agricultural processing or sugar beet~~"

Page 5, line 19, remove the overstrike over "~~refining plants located within this state~~"

Page 11, line 1, overstrike "and for purchases of coal"

Page 11, overstrike line 2

Page 11, line 3, overstrike "beet refining plants located within this state or adjacent states,"

Page 15, line 29, overstrike "1995"

Page 15, line 30, after "~~2000~~" insert "2001"

Renumber accordingly

Engrossed SB 2299 was rereferred to the **Appropriations Committee**.

SECOND READING OF SENATE BILL

SB 2261: A BILL for an Act to create and enact a new section to chapter 54-17 of the North Dakota Century Code, relating to transfer to the common schools trust fund of funds remaining after payment of obligations on bonds issued under the student loan trust fund; 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 bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Every; Heitkamp; Kelsh; Krauter; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Tallackson

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mutch; Nelson, G.; Nething; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2261 lost.

SECOND READING OF SENATE BILL

SB 2262: A BILL for an Act to amend and reenact section 27-05-08 of the North Dakota Century Code, relating to the residency requirements of district judges.

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 20 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Erbele; Every; Freborg; Heitkamp; Kelsh; Klein; Krauter; Kroeplin; Lindaas; Mutch; Nichols; O'Connell; Robinson; Solberg; Stenehjem; Thane; Tomac

NAYS: Bercier; Christenson; Cook; Dever; Espegard; Fischer; Flakoll; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Mathern, T.; Nelson, G.; Nething; Polovitz; Schobinger; Tallackson; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, C.

SB 2262 lost.

SECOND READING OF SENATE BILL

SB 2275: A BILL for an Act to create and enact a new section to chapter 1-01 of the North Dakota Century Code, relating to the definition of public interest.

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 21 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Grindberg; Klein; Lyson; Mathern, D.; Mutch; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Traynor; Trenbeath; Wanzek

NAYS: Bercier; Christenson; Espegard; Every; Heitkamp; Holmberg; Kelsh; Kilzer; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Mathern, T.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Tomac; Urlacher; Wardner; Watne

ABSENT AND NOT VOTING: Freborg; Nelson, C.

SB 2275 lost.

SECOND READING OF SENATE BILL

SB 2279: A BILL for an Act to amend and reenact subsection 1 of section 28-32-08.1 and subsection 4 of section 54-57-03 of the North Dakota Century Code, relating to the qualifications of hearing officers and administrative law judges.

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 1 YEAS, 46 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Fischer

NAYS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Freborg; Nelson, C.

SB 2279 lost.

SECOND READING OF SENATE BILL

SB 2296: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for prescribed drugs and insulin; 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 NOT PASS, the roll was called and there were 8 YEAS, 38 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Kelsh; Krauter; Mathern, D.; Mathern, T.; O'Connell; Polovitz

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Grindberg; Heitkamp; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mutch; Nelson, G.; Nething; Nichols; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Freborg; Holmberg; Nelson, C.

SB 2296 lost.

SECOND READING OF SENATE BILL

SB 2356: A BILL for an Act to create and enact a new section to chapter 40-57.3 of the North Dakota Century Code, relating to authority of cities to impose motor vehicle rental taxes.

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 0 YEAS, 46 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

NAYS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Grindberg; Heitkamp; Kelsh; Kilzer; Klein; Krauter; Krebsbach;

Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Freborg; Holmberg; Nelson, C.

SB 2356 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4012: A concurrent resolution requesting that the Congress of the United States propose for ratification by the states an amendment to the Constitution of the United States relating to state legislative redistricting.

The question being on the final adoption of the resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SCR 4012 lost on a verification vote.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2039, SB 2044, SB 2067, SB 2161, SB 2178, SB 2189, SB 2202, SB 2231, SB 2318, SB 2359, SCR 4008.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1007, HB 1016, HB 1160, HB 1183, HB 1201, HB 1290, HB 1364.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1169, HCR 3004.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, February 5, 2001, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2027: Transportation Committee (Sen. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2027 was placed on the Sixth order on the calendar.

Page 1, line 9, after the period insert "The department shall pay the training costs of the personnel necessary to implement the pilot project."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2032: 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). SB 2032 was placed on the Sixth order on the calendar.

Page 26, line 23, overstrike "and"

Page 26, line 24, after "2." insert "An international trade office; and

3."

Page 32, line 8, overstrike "shall" and insert immediately thereafter "may"

Page 32, line 9, overstrike "shall" and insert immediately thereafter "may"

Page 32, line 29, remove "A division of international trade;"

Page 32, line 30, remove "e."

Page 32, line 31, replace "f" with "e"

Page 33, line 1, replace "Each division director serves at the will" with "The governor shall appoint the directors of the division of community services, division of economic development and finance, and the division of tourism. Each of these directors serves at the pleasure of the governor and receives a salary set by the governor within the limits of legislative appropriation."

3. The commissioner shall appoint the directors of the division of workforce development and any other division created by the commissioner under subsection 1. Each of these directors serves at the pleasure"

Page 33, line 13, remove "Shall appoint directors to administer each of the department divisions;"

Page 33, line 14, remove "5."

Page 33, line 16, replace "6" with "5"

Page 33, line 17, replace "7" with "6"

Page 33, line 19, replace "8" with "7"

Page 33, line 21, replace "9" with "8"

Page 33, line 25, replace "10" with "9"

Page 33, line 27, replace "11" with "10"

Page 34, line 3, replace "12" with "11"

Page 34, line 4, replace "13" with "12"

Page 34, line 11, after "business" insert ", tourism,"

Page 34, line 12, after "representation" insert ", and must ensure that at least one member represents rural concerns"

Page 34, line 14, replace "nine" with "seven"

Page 34, after line 15, insert:

- "3. The foundation shall seek funding for administrative expenses from private sector sources and shall seek and distribute private sector funds for use in commerce-related activities in the state."

Page 34, line 16, replace "3" with "4" and replace "foundation" with "executive committee"

Page 34, line 19, replace "division of economic development and finance's" with "department's"

Page 34, line 21, after "Monitor" insert "tourism and"

Page 34, remove lines 24 through 26

Page 34, line 31, after the first "the" insert "directors of each of the department divisions and of the"

Page 35, line 2, after the third underscored comma insert "the department of transportation, job service North Dakota, the game and fish department,"

Page 35, line 5, after "development" insert "and tourism"

Page 35, line 7, replace "a minimum of four times and a maximum of twelve times each year" with "at times determined by the commissioner"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2054: Transportation Committee (Sen. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2054 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "an implement of"

Page 1, line 7, remove "husbandry nor to the commercial"

Page 1, line 8, replace "and" with "or"

Page 1, line 9, replace "one hundred five" with "eighty", remove "five hundred", replace "47854.00" with "38287.39", after the closing bracket insert "or if the weight does not exceed five hundred fifty pounds [249.48 kilograms] per inch of width", and replace "A" with "The highway patrol shall issue a seasonal permit"

Page 1, line 10, remove "fee or permit may not be required"

Page 1, line 11, after the period insert "The seasonal permit issued under this subsection or under subdivision d of subsection 1 of section 39-12-04 entitles an individual with the permit to operate a vehicle as allowed by either of these provisions. A seasonal permit issued under this subsection is subject to the requirements of subdivision d of subsection 1 of section 39-12-04, except a vehicle exempted by this subsection which is an implement of husbandry is not required to have proof of financial responsibility and does not have to be operated by a commercial entity."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2114: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2114 was placed on the Sixth order on the calendar.

Page 1, line 1, after the third comma insert "43-12.1-05,"

Page 1, line 2, remove "and"

Page 1, line 3, after "43-12.1-15" insert ", and 43-12.1-16"

Page 1, line 5, remove "and" and after "procedures" insert ", and the expiration date of the authority of a licensed nurse to delegate medication administration"

Page 2, after line 25, insert:

9. "Transitional practical nurse license" means a license issued by the board to a person who meets all of the requirements for licensure by endorsement as a licensed practical nurse, except the educational requirements.

10. "Transitional registered nurse license" means a license issued by the board to a person who meets all of the requirements for licensure by endorsement as a registered nurse, except the educational requirements."

Page 2, line 26, replace "9" with "11"

Page 4, line 23, replace "Staff" with "A person"

Page 4, line 28, replace "Group" with "Within group", replace "and" with an underscored comma, and after "facilities" insert ", and adult foster care facilities"

Page 4, line 29, replace "and" with "or"

Page 5, line 1, replace "Human" with "Within human" and remove "A licensed nurse may"

Page 5, remove lines 2 and 3

Page 5, after line 8, insert:

"SECTION 4. AMENDMENT. Section 43-12.1-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

43-12.1-05. Board of nursing - Composition - Term of office. There is a state board of nursing whose members must be appointed by the governor which must consist of five registered nurses, three licensed practical nurses, and one public member. Each board member must be appointed for a term of four years. No appointee may be appointed for more than two consecutive terms. An appointment for an unexpired term of more than eighteen months will constitute a full term. Terms of nurse board members must be evenly distributed to allow two licensed nurse board members to be appointed or reappointed each year. ~~The members of the board holding office on August 1, 1995, may continue to serve as members for their respective terms."~~

Page 8, line 7, remove the overstrike over "~~Renewal requires proof of progression towards~~"

Page 8, line 8, remove the overstrike over "~~meeting the~~", after "~~educational~~" insert "academic", remove the overstrike over "~~requirements~~" and insert immediately thereafter "of thirty hours of continuing education activity", and remove the overstrike over the period

Page 9, line 11, after the comma insert "specialty practice registered nurse,"

Page 9, line 19, after "certification" insert "or evaluation"

Page 9, line 22, after "certification" insert "or evaluation"

Page 10, line 23, after "reprimand" insert ", place on probation,"

Page 12, after line 9, insert:

"SECTION 13. AMENDMENT. Section 43-12.1-16 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

43-12.1-16. (~~Effective through July 31, 2001~~) Delegation of medication administration. A licensed nurse may delegate medication administration to a person exempt under subsection 9 of section 43-12.1-04."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2143: 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). SB 2143 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and remove "and 26.1-37-05.1"

Page 1, line 3, after the second comma insert "26.1-37-05,"

Page 1, line 5, remove "26.1-37-05,"

Page 2, line 3, after "use" insert "and on mobile homes"

Page 3, line 12, replace "cover note" with "binder"

Page 3, line 13, remove "memorandum,"

Page 3, line 14, replace "pledged" with "used"

Page 5, replace lines 11 through 31 with:

"SECTION 5. AMENDMENT. Section 26.1-37-05 of the North Dakota Century Code is amended and reenacted as follows:

26.1-37-05. Amount of consumer credit life insurance and ~~credit accident and health insurance.~~

1. a. Except as otherwise provided in this subsection, the initial amount of credit life insurance may not exceed the total amount repayable under the contract of indebtedness and, ~~where~~ when an indebtedness is repayable in substantially equal installments, the amount of insurance

may not exceed the scheduled or actual amount of unpaid indebtedness, whichever is greater. Insurance on agricultural ~~credit transaction~~ loan commitments, not exceeding one year in duration, may be written up to the amount of the loan commitment, on a nondecreasing or level term plan. Insurance on educational ~~credit transaction~~ loan commitments may be written for ~~the amount of the portion of such commitment that has not been advanced by the creditor~~ unpaid indebtedness plus any unused commitment.

- b. In the absence of any preexisting condition exclusions, the amount of insurance payable in the event of death due to natural causes may be limited to the balance as the balance existed six months before the date of death if:
 - (1) There has been one increase or more in the outstanding balance during the six-month period, other than those due to the accrual of interest or late charges; and
 - (2) Evidence of individual insurability has not been required during the six-month period.
 - c. Other patterns of insurance may be used which are not inconsistent with this subsection including those providing coverage for lease payments or lump sum purchase at the end of the lease.
2. a. The total amount of periodic indemnity payable by credit accident and health insurance or by credit unemployment insurance in the event of disability or unemployment, as defined in the policy, may not exceed the aggregate of the periodic scheduled unpaid installments of the ~~indebtedness~~ gross debt; and the amount of each periodic indemnity payment may not exceed the original ~~indebtedness~~ gross debt divided by the number of periodic installments.
- b. Notwithstanding subdivision a, for credit accident and health insurance or for credit unemployment insurance written in connection with an open-end credit agreement, the amount of insurance may not exceed the gross debt which would accrue on that amount using the periodic indemnity. Subject to any policy maximums, the periodic indemnity may not be less than the creditor's minimum repayment schedule.
3. a. For credit property insurance sold in conjunction with a closed-end transaction, an insurer may not issue credit property insurance coverage unless the amount financed exceeds three hundred dollars.
- b. For credit property insurance sold in conjunction with a closed-end transaction, the amount of credit property insurance may not exceed the underlying credit transaction."

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 29

Page 10, line 7, remove "Prepurchase disclosure."

Page 10, line 15, after "eligibility" insert ", if any"

Page 11, line 12, replace "offer" with "election of coverage"

Page 11, line 27, replace "basis of premium calculation e.g., average daily" with "balance to which the premium rate applies"

Page 11, line 28, remove "balance, prior monthly balance must be specified"

Page 12, line 2, after "debt" insert "or to repair or replace the property"

Page 13, after line 27, insert:

- "11. Credit property insurance coverage, at a minimum, must include the coverages in the standard fire policy with coverage attachment and

extended coverage endorsement and must cover a substantial risk of loss of or damage to the property related to the credit transaction."

Page 16, line 21, remove "26.1-37-05,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2144: 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). SB 2144 was placed on the Sixth order on the calendar.

Page 1, line 3, after "reenact" insert "subdivision n of subsection 1 of section 10-04-11,"

Page 2, after line 20, insert:

"SECTION 1. AMENDMENT. Subdivision n of subsection 1 of section 10-04-11 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- n. Is the subject of an order entered by the insurance administrator of any state denying or revoking registration as an ~~agent, broker~~ insurance producer, consultant, or the substantial equivalent of those terms as defined in section 26.1-26-02."

Page 3, line 31, overstrike "broker,"

Page 8, line 13, remove "producer" and overstrike ", limited insurance representative," and insert immediately thereafter "producer"

Page 30, line 13, after "licensed" insert "individual"

Page 36, line 10, overstrike the comma and insert immediately thereafter "and"

Page 36, line 12, overstrike ", and whose commissions from new"

Page 36, line 13, overstrike "business each year do not exceed ten thousand dollars"

Page 40, line 15, after "commissioner" insert an underscored comma

Page 40, line 16, remove "by law" and remove ", is not subject to section 6 of"

Page 40, line 17, remove "article XI of the Constitution of North Dakota and chapter 44-04"

Page 41, line 22, remove "pursuant to section 6 of article XI of the Constitution of"

Page 41, line 23, remove "North Dakota and chapter 44-04"

Page 44, line 25, replace "producer" with "producer's license"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2155: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2155 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2156: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2156 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2177: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2177 was placed on the Sixth order on the calendar.

Page 1, line 10, after the period insert "The display of an object or document containing the words of the Ten Commandments must be in the same manner and appearance generally as other objects and documents displayed and may not be presented or displayed in any fashion that results in calling attention to the object or document apart from the other displayed objects or documents."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2204: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2204 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "section 4-09-13 and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 4-09-13 of the North Dakota Century Code is amended and reenacted as follows:

4-09-13. Tolerances. The tolerances used in determining correctness and accuracy in labeling seed as described in this chapter must be those tolerances used under the Federal Seed Act of August 9, 1939, and subsequent amendments ~~thereto~~ as of July 1, 2001, except that the tolerance for yellow starthistle must be zero and the commissioner may, by rule, establish tolerances that are more strict than the Federal Seed Act tolerances."

Page 2, line 7, replace "ten" with "forty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2210: 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). SB 2210 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "fifteen" with "thirty"

Page 1, line 16, after "insurance" insert "before the end of a benefit period"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2241: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2241 was placed on the Sixth order on the calendar.

Page 2, line 17, remove the overstrike over "a-baccalaureate" and insert immediately thereafter "or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2256: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2256 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2264: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2264 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2274: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2274 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2281: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2281 was placed on the Sixth order on the calendar.

Page 1, line 10, after the period insert "In these cases, a respondent may be subject to the personal jurisdiction of this state."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2283: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2283 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2284: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2284 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2291: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2291 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "2.5" with "2.0"

Page 1, line 13, replace "2002" with "2003"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2298: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2298 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "signed by owners", remove "property representing", and remove "or more"

Page 1, line 9, remove the overstrike over "~~landowners~~" and remove "taxable valuation of property"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2297: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2297 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2321: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2321 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2333: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2333 was placed on the Sixth order on the calendar.

Page 1, line 12, after "district" insert "or an approved nonpublic school"

Page 1, line 19, after "district" insert "or an approved nonpublic school"

Page 1, line 21, after "district" insert "or an approved nonpublic school"

Page 2, line 1, after "district" insert "or an approved nonpublic school"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2342: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2342 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2347: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2347 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1180: 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). HB 1180 was placed on the Sixth order on the calendar.

Page 1, line 7, after "exchange" insert "with", after "sell" insert "to any person", and overstrike "with"

Page 1, line 9, remove "or to any person"

Renumber accordingly

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. T. Mathern, Bowman, Thane and Rep. Maragos introduced:

SCR 4030: A concurrent resolution directing the Legislative Council to study the economic and social benefits of solid waste reduction and the implementation of recycling programs including the expansion of Project Safe Send to rural communities, job creation in the solid waste industry, growth of the solid waste industry, the life span of existing municipal solid waste landfills, and identification of impediments to waste reduction in the state, including the development of markets, training, identification of technical needs, and funding.

Was read the first time and referred to the **Political Subdivisions Committee**.

FIRST READING OF HOUSE BILLS

HB 1007: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the labor commissioner.

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

HB 1016: A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management; and to amend and reenact subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code, relating to the termination of the fee system for the hazardous chemicals preparedness and response program.

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

HB 1160: A BILL for an Act to amend and reenact subsection 3 of section 62.1-04-03 of the North Dakota Century Code, relating to disposition of fees for concealed weapons licenses.

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

HB 1183: A BILL for an Act to amend and reenact section 34-14-03 of the North Dakota Century Code, relating to wages payable upon separation from employment.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1201: A BILL for an Act to create and enact section 57-40.3-02.1 of the North Dakota Century Code, relating to motor vehicle excise tax imposed on motor vehicle leases; and to amend and reenact subsection 5 of section 57-40.3-01, subsection 6 of section 57-40.3-04, and section 57-40.3-12 of the North Dakota Century Code, relating to the definition of purchase price, exemptions from motor vehicle excise taxes, and administration of motor vehicle use taxes.

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

HB 1290: A BILL for an Act to amend and reenact subdivision e of subsection 5 of section 6-06-06 of the North Dakota Century Code, relating to the limitation on credit union investment in certain notes or bonds.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1364: A BILL for an Act to amend and reenact sections 19-03.1-23 and 19-03.1-23.2 of the North Dakota Century Code, relating to mandatory terms of imprisonment.

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

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

WILLIAM R. HORTON, Secretary

