

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, March 20, 2003

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

The prayer was offered by Pastor Eric Waters, First Lutheran, Fargo.

The roll was called and all members were present except Senators Andrist, Bercier, Brown, Erbele, O'Connell, and Stenehjem.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

HB 1213: SEN. DEVER (Judiciary Committee) MOVED that the amendments on SJ pages 833-834 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1218, as engrossed: SEN. LYSON (Natural Resources Committee) MOVED that the amendments on SJ pages 834-835 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1251: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ page 835 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1426: A BILL for an Act to provide for the creation of commerce authorities; to create and enact a new subsection to section 57-15-06.7, a new subsection to section 57-15-10, a new subsection to section 57-15-20.2, a new section to chapter 57-15, a new subdivision to subsection 2 of section 57-38-30.3, and a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to tax levies for commerce authorities and exemption from income, sales, and use taxes; 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, and has committee recommendation of DO PASS, the roll was called and there were 35 YEAS, 6 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bowman; Christenson; Christmann; Espegard; Every; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; Polovitz; Robinson; Schobinger; Seymour; Tallackson; Taylor; Thane; Tollefson; Traynor; Urlacher; Wardner

NAYS: Cook; Dever; Fairfield; Freborg; Syverson; Trenbeath

ABSENT AND NOT VOTING: Andrist; Bercier; Brown; Erbele; O'Connell; Stenehjem

Engrossed HB 1426, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1435: A BILL for an Act to provide a renewable energy production incentive program; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 27 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Christenson; Every; Fairfield; Grindberg; Heitkamp; Lindaas; Mathern; Nelson; Nichols; Polovitz; Tallackson; Taylor; Thane; Trenbeath

NAYS: Bowman; Christmann; Cook; Dever; Espegard; Fischer; Flakoll; Freborg; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Robinson; Schobinger; Seymour; Syverson; Tollefson; Traynor; Urlacher; Wardner

ABSENT AND NOT VOTING: Andrist; Bercier; Brown; Erbele; O'Connell; Stenehjem

Engrossed HB 1435, as amended, lost.

SECOND READING OF HOUSE BILL

HB 1101: A BILL for an Act to amend and reenact subsections 2 and 13 of section 43-11-01, sections 43-11-04 and 43-11-06, subsection 3 of section 43-11-16, section 43-11-24, subsection 3 of section 43-11-27, and subsection 1 of section 43-11-28 of the North Dakota Century Code, relating to licensing of cosmetologists and cosmetology schools.

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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Bercier; Brown; Erbele; O'Connell; Stenehjem

Engrossed HB 1101 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1197: A BILL for an Act to create and enact a new chapter to title 60 of the North Dakota Century Code, relating to the creation of a credit-sale contract indemnity fund; to amend and reenact sections 60-02.1-28, 60-02.1-30, 60-02.1-34, 60-04-02, and 60-04-03.1 of the North Dakota Century Code, relating to insolvencies of grain buyers and warehousemen; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Bercier; Brown; Erbele; O'Connell; Stenehjem

Engrossed HB 1197, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1219: A BILL for an Act to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to the definition of agricultural property for property tax assessment and classification purposes; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 2 YEAS, 39 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Krauter; Taylor

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

ABSENT AND NOT VOTING: Andrist; Bercier; Brown; Erbele; O'Connell; Stenehjem

Engrossed HB 1219 lost.

SECOND READING OF HOUSE BILL

HB 1237: A BILL for an Act to amend and reenact sections 15.1-19-09 and 15.1-19-10 of the North Dakota Century Code, relating to the suspension and expulsion of students and school district weapons policies.

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, 3 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Every; Heitkamp; Krauter

ABSENT AND NOT VOTING: Andrist; Bercier; Brown; Erbele; O'Connell; Stenehjem

Engrossed HB 1237 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1268: A BILL for an Act to amend and reenact section 50-24.4-15 of the North Dakota Century Code, relating to nursing home rates for property-related costs for reimbursements; 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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Bercier; Brown; Erbele; O'Connell; Stenehjem

Engrossed HB 1268 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3020: A concurrent resolution declaring February 10, 2003, "North Dakota Close-Up Day".

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

HCR 3020 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3025: A concurrent resolution urging Congress to make immediate changes in those Medicare policies that discriminate against senior citizens who reside in rural states and to implement national benefit and service provider policies that are more uniform in their application.

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

HCR 3025 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

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

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

HCR 3052 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

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

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

HCR 3061, as amended, was declared adopted, and the title was agreed to on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to SB 2155 as printed on SJ pages 721-722, which motion prevailed on a voice vote.

SB 2155, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2155: A BILL for an Act to create and enact a new subsection to section 50-09-01 of the North Dakota Century Code, relating to the definition of work activity for purposes of the temporary assistance for needy families program; and to amend and reenact subdivision m of subsection 2 of section 14-08.1-05.1 and section 50-09-29 of the North Dakota Century Code, relating to work and the requirements for the administration of temporary assistance for needy families.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Bercier; Brown; Erbele; O'Connell; Stenehjem

Engrossed SB 2155 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do concur in the House amendments to SB 2168 as printed on SJ page 770, which motion prevailed on a voice vote.

SB 2168, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2168: A BILL for an Act to amend and reenact section 60-01-34 of the North Dakota Century Code, relating to the assumption of lost property or money by a finder.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 2 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Krebsbach; Lyson

ABSENT AND NOT VOTING: Andrist; Bercier; Brown; Erbele; O'Connell; Stenehjem

Engrossed SB 2168 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2195 as printed on SJ pages 794-795, which motion prevailed on a voice vote.

Engrossed SB 2195, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to create and enact a new subsection to section 26.1-04-03 and four new sections to chapter 26.1-08 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota; to amend and reenact subsection 2 of section 26.1-03-17 and sections 26.1-08-01, 26.1-08-06, 26.1-08-06.1, 26.1-08-07, 26.1-08-08, 26.1-08-09, 26.1-08-10, 26.1-08-11, 26.1-08-12, 26.1-08-13, and 57-38-30.4 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota; and to repeal sections 26.1-08-02, 26.1-08-03, and 26.1-08-04 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Bercier; Brown; Erbele; O'Connell; Stenehjem

Reengrossed SB 2195 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do concur in the House amendments to Engrossed SB 2216 as printed on SJ page 810, which motion prevailed on a voice vote.

Engrossed SB 2216, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2216: A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to conduct by school students and staff.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 16 YEAS, 25 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Christenson; Every; Fairfield; Flakoll; Heitkamp; Holmberg; Krauter; Lindaas; Mathern; Nelson; Nichols; Polovitz; Robinson; Seymour; Tallackson; Taylor

NAYS: Bowman; Christmann; Cook; Dever; Espegard; Fischer; Freborg; Grindberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Andrist; Bercier; Brown; Erbele; O'Connell; Stenehjerm

Reengrossed SB 2216 lost.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do concur in the House amendments to SB 2414 as printed on SJ page 810, which motion prevailed on a voice vote.

SB 2414, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2414: A BILL for an Act to require the superintendent of public instruction to provide information on the No Child Left Behind Act; 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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Andrist; Bercier; Brown; Erbele; O'Connell; Stenehjerm

Engrossed SB 2414 passed, the title was agreed to, and the emergency clause was declared carried.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 20, 2003, I have signed the following: SB 2046, SB 2134, SB 2184, and SB 2341.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 20, 2003: SB 2053, SB 2063, SB 2084, SB 2107, SB 2109, SB 2138, SB 2156, SB 2169, SB 2177, SB 2185, SB 2204, SB 2214, SB 2231, SB 2238, SB 2267, SB 2269, SB 2272, SB 2280, SB 2287, SB 2318, SB 2332, SB 2383, SB 2388.

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 1065, HB 1067, HB 1070, HB 1096, HB 1102, HB 1106, HB 1108, HB 1115, HB 1119, HB 1129, HB 1136, HB 1139, HB 1142, HB 1148, HB 1167, HB 1186, HB 1192, HB 1279, HB 1343, HB 1348, HB 1362, HB 1378, HB 1400, HB 1443, HB 1503.

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 2057, SB 2059, SB 2068, SB 2175, SB 2180, SB 2200, SB 2208, SB 2237, SB 2252, SB 2270, SB 2312, SB 2401.

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

MR. SPEAKER: The President has signed: HB 1031, HB 1071, HB 1083, HB 1090, HB 1095, HB 1113, HB 1117, HB 1146, HB 1163, HB 1185, HB 1191, HB 1193, HB 1214, HB 1224, HB 1258, HB 1259, HB 1267, HB 1334, HB 1338, HB 1374, HB 1383, HB 1444, HB 1457, HB 1480, HB 1481, HCR 3069.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2220, SB 2268, and SB 2359.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2155, SB 2168, SB 2195, and SB 2414.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently failed to pass: SB 2216.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1082, HB 1168, HB 1227, HB 1235, HB 1239, HB 1249, HB 1322, HB 1336, HB 1498, HCR 3028, HCR 3032.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1101, HB 1237, HB 1268, HCR 3020, HCR 3025, HCR 3052.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1037, HB 1246, HB 1292, HB 1321.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1197, HCR 3061.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1243.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1426.

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

MR. SPEAKER: The Senate has failed to pass: HB 1089, HB 1189, HB 1283, HB 1370.

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

MR. SPEAKER: The Senate has failed to pass: HB 1219.

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

MR. PRESIDENT: The House has passed unchanged: SB 2321, SB 2281, SB 2328, SB 2329, SB 2365, SB 2372, SB 2379.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2074.

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

MR. PRESIDENT: The House has amended and passed: SB 2044, SB 2192, SB 2193, SB 2217, SB 2296, SB 2348, SB 2407.

HOUSE AMENDMENTS TO SENATE BILL NO. 2044

Page 1, line 1, after "reenact" insert "subsection 2 of section 6-08-16," and after "12.1-32-07" insert a comma

Page 1, line 2, after "to" insert "the civil penalty for issuing a check or draft without sufficient funds and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 6-08-16 of the North Dakota Century Code is amended and reenacted as follows:

2. The grade of an offense under this section may be determined by individual or aggregate totals of insufficient funds checks, drafts, electronic funds transfer authorizations, or orders. The person is also liable for collection fees or costs, not in excess of twenty-five dollars, which are recoverable by the holder, or its agent or representative, of the check, draft, electronic

funds transfer authorization, or order. A collection agency shall reimburse the original holder of the check, draft, electronic funds transfer authorization, or order any additional charges assessed by the depository bank of the check, draft, electronic funds transfer authorization, or order not in excess of two dollars if recovered by the collection agency. A ~~if~~ the person does not pay the instrument in full and any collection fees or costs not in excess of twenty-five dollars within ten days from receipt of the notice of dishonor provided for in subsection 4, a civil penalty is also recoverable by civil action by the holder, or its agent or representative, of the check, draft, electronic funds transfer authorization, or order. The civil penalty consists of payment to the holder, or its agent or representative, of the instrument of the lesser of two hundred dollars or three times the amount of the instrument. The court may order an individual convicted under this section to undergo an evaluation by a licensed gaming, alcohol, or drug addiction counselor."

Page 3, line 1, after the underscored period insert "The costs imposed under this subsection, however, may not exceed one thousand dollars."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2192

Page 1, line 9, remove "through a"

Page 1, line 10, remove "public safety answering point"

Page 1, line 16, overstrike "or" and after the second "provider" insert ", or person"

Page 1, line 19, overstrike "or" and after the second comma insert "or person"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2193

Page 1, line 13, remove "The limitation on the amount of bonds that may be issued for construction of an"

Page 1, remove lines 14 and 15

Page 1, line 16, remove "from Devils Lake."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2217

Page 1, line 9, after "anesthesia" insert "to a patient who is at least eighteen years old. The dental hygienist must be", replace "if" with "and", and replace "completes such" with "must complete the"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2296

Page 3, line 26, after "upon" insert "evidence of objective facts to establish"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2348

Page 4, line 19, overstrike "charitable"

Page 4, line 20, overstrike "charitable"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2407

Page 3, line 11, remove "the tire pressure"

Page 3, line 12, replace "per" with "for each" and after "inch" insert "[2.54 centimeters]"

Page 3, line 17, remove "the tire pressure"

Page 3, line 18, replace "per" with "for each" and after "inch" insert "[2.54 centimeters]"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2240, SB 2346.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2240

Page 1, line 3, after "projects" insert "; and to declare an emergency"

Page 3, after line 12, insert:

"**SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2346

Page 4, replace lines 5 and 6 with:

~~"3. "Division" means the training section of the bureau of criminal investigation."~~

Page 4, line 7, remove "3."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2361.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass: SB 2364, SB 2389.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 21, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1073: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1073 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1158: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1158 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "to provide a penalty;"

Page 6, line 16, remove "- Penalty"

Page 6, line 22, remove "Notwithstanding the civil penalty provided in section 19-18-08, a person who violates"

Page 6, remove lines 23 and 24

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1200: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1200 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1261: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1261 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1299, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1299 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1316, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1316 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1331: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1331 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1486, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1486 was placed on the Sixth order on the calendar.

Page 1, line 7, remove the overstrike over "~~ten~~" and remove "fifteen"

Page 2, line 14, replace "shall" with "may" and replace "four" with "up to two"

Page 2, line 15, remove "solely" and after "of" insert "providing market maintenance and development services, utilization research, transportation research, and education; addressing domestic policy issues; and engaging in other related activities; or for the purposes of"

Page 2, line 16, after the third underscored comma insert "and", replace the fourth underscored comma with "; addressing domestic policy issues;", and after "and" insert "engaging in"

Page 2, after line 19, insert:

"6. When the wheat commission presents the report required by section 4-24-10, the commission shall present a separate report detailing the nature and extent of the commission's efforts to address domestic policy issues."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3019: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3019 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3031: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3031 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3036: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3036 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3038: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (3 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HCR 3038 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3042: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3042 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3050: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3050 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3054: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3054 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3072: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3072 was placed on the Fourteenth order on the calendar.

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

WILLIAM R. HORTON, Secretary

