

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, March 6, 2001

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

The prayer was offered by Pastor Thomas R. Marcis, Jr., Zion Lutheran Church, Bismarck.

The roll was called and all members were present except Senators Bercier and Lee.

A quorum was declared by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that HCR 3045 be returned to the Senate floor from the **Agriculture Committee** and be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HCR 3045 was rereferred.

## CONSIDERATION OF AMENDMENTS

**HB 1166, as engrossed: SEN. O'CONNELL (Transportation Committee) MOVED** that the amendments on SJ pages 701-702 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that a committee of two be appointed to escort Shannon Rustad, Miss Rodeo North Dakota, to the rostrum, which motion prevailed.

**PRESIDENT DALRYMPLE APPOINTED** Sens. Wanzek and C. Nelson to the escort committee.

## REMARKS OF SHANNON RUSTAD, MISS RODEO NORTH DAKOTA 2001

Lt. Governor Dalrymple and distinguished members of the Senate:

Thank you so very much for allowing me this time to address you on behalf of the sport of rodeo and our western heritage. I am Shannon Rustad of Kindred. I am also from District 22 where we proudly claim Lt. Governor Dalrymple, Senate Majority Leader Gary Nelson, House Majority Leader Wes Belter, and Representative Bill Pietsch.

I am greatly honored to have earned the title of Miss Rodeo North Dakota 2001 because this not only makes me an ambassador for the thrill-packed sport of rodeo, but it also gives me a chance to tell people I meet around the country about my state of North Dakota and what it has to offer everyone.

I have had the opportunity to promote and be involved in 40 rodeos since the beginning of January. These rodeos have taken place in Colorado and South Dakota, as well as several in North Dakota. As I meet and greet people along the way, it gives me absolute pleasure to inform them in any way I can about the sport of rodeo and my state of North Dakota.

North Dakota has so much beauty that few people outside of our state actually know about, whether it is the Badlands and the historical home of Theodore Roosevelt or the vast lakes of Audubon and Sakakawea. We are also a state proud of our heritages and known for celebrating it--from the native American powwows known across the country to the Norsk Hostfest celebrating the Norwegian heritage of many North Dakotans. Our ranching and western way of life has always been a great part of our heritage as well. I am excited to see this realized and honored with the construction of the North Dakota Cowboy Hall of Fame, a center dedicated to honoring those who made a significant contribution to our state's western heritage.

This state has built its reputation around farming and ranching. We continue that time-honored tradition today by embracing new technology allowing us to produce the highest quality food in the world. This technology, combined with an entrepreneurial spirit of our people, has led to many new and exciting businesses like Dakota Growers Pasta in Carrington and the North American Bison Cooperative in New Rockford.

Those of us lucky enough to call North Dakota home enjoy a lifestyle that most would only dream about. We don't have to worry about the crime or congestion found elsewhere. Parents

can feel safe letting their children visit the neighbors and can send them to school knowing they are getting a first-rate education, being taught by people who truly care. Children and adults as well can excel and have access to nationally known programs of higher learning in our state including law and medical schools, aviation, engineering, and agriculture. As a recent graduate of North Dakota State University, I feel proud of the education I received as a North Dakota resident. I am glad to see that the state is ensuring that a quality education will always be available by providing funding for our schools and the teachers who help shape our children's future. All of these factors have shown how North Dakotans have gone from traveling in covered wagons to traveling through cyberspace while never losing sight of our pride for this state.

I come from a truly proud, long line of North Dakotans going back to my great-great-grandfather who helped pioneer my hometown of Kindred, where I reside today and my great-grandmother, who as a single woman, homesteaded near what is now Granville, North Dakota. True grit is what they had then and what we still have today.

I was sorting through some old books of my great-grandmother one day when I came up a poem that was written more than 100 years ago by a native North Dakotan named John Broxmeyer. I believe that his pride in North Dakota says exactly what North Dakotans still feel today. His poem reads:

"North Dakota - Land of Plenty  
Land of Enterprise and Hope;  
With your rolling fields and prairies  
Truly great in vast in scope;  
Peaceful, fertile land of beauty  
With your soil so full of zest;  
Where the sun, landscapes, and people  
Are at there ever smilin' best

North Dakota - Friendly state where  
Folks greet you with a grin  
Where one notes an upward, onward  
Tilt on each Dakotan chin  
Wondrous State, with untold wealth  
Of oil, cattle, coal, and grain  
Where one can work and rest or play  
Without a bit o' strain;

North Dakota - Home o' health  
Rich soil and plenty o' pluck;  
Where we have learned to smile  
At what some may call bad luck  
Together, we've fought 'rust' and Hoppers  
- We've known the need for rain  
But shucks - since fields are green and lush,  
We're all rarin' to go again;

North Dakota - State o' mine  
May I remain in your embrace  
And may I always as you've taught me,  
Keep a smile upon my face  
Then, when I'm at journey's end'  
And my heart's forever still  
May I be cradled in your soils  
On the brow o' some friendly hill"

This poem reminds me that even though some people may leave North Dakota seeking life in a fast lane, the squeeze of concrete and asphalt will make them return to their native state for life in the vast lane.

Thank you again for the opportunity of addressing you today, and as I go on to represent my great state next November in Las Vegas at the Miss Rodeo America pageant, know that this North Dakotan will consider it truly an honor to call North Dakota home. Thank you.

#### MOTION

**SEN. CHRISTMANN MOVED** that the remarks of Shannon Rustad, Miss Rodeo North Dakota, be printed in the Journal, which motion prevailed.

**POINT OF PERSONAL PRIVILEGE**

**SEN. TALLACKSON REQUESTED** that his remarks be printed in the Journal, which request was granted.

**REMARKS OF SENATOR TALLACKSON**

Last week I, along with the Senator from District 14 and two House members, attended a meeting of the National Conference of Insurance Legislators. We spent Thursday, Friday, and Saturday in some very informative and interesting meetings.

The National Conference of Insurance Legislators represents about seventy-five percent of the state legislators in the United States. The organization fights for state control of insurance regulations, and resists federal control. NCOIL, as the organization is called, holds hearings on health insurance issues, along with workers' compensation, life, and casualty issues. Some of the subjects are privacy, viatical settlements of life insurance, re-insurance issues, and many other topics.

NCOIL has become a national advisor to Congress and the President. They work together, for good insurance policies, with the National Association of Insurance Commissioners. It is a very worthwhile association for promoting good insurance regulation.

One of the very interesting forums of the session was Friday afternoon, when the panel discussed re-insurance problems as they pertain to international issues. The panel consisted of two re-insurers from London, England, a college professor in business insurance, and a Lloyd's of London vice president. This panel was chaired by one of our North Dakota House members.

I want to thank the Senate for allowing us to represent you. Thank you, Mr. President.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4042:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of a centralized process for administrating noncriminal traffic violations.

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

SCR 4042 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF HOUSE BILL**

**HB 1035:** A BILL for an Act relating to a state employee telecommuting incentive program; and to provide an expiration 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; 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

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1035 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1079:** A BILL for an Act to amend and reenact subsection 5 of section 43-29-01.1 of the North Dakota Century Code, relating to the definition of a certificate required by the board of veterinary medical examiners.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; 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

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1079 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1091:** A BILL for an Act to amend and reenact section 64-02-10 of the North Dakota Century Code, relating to fees for testing or calibrating weighing and measuring devices.

#### 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 32 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lyson; Nelson, G.; Nething; Nichols; Polovitz; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Cook; Every; Heitkamp; Kelsh; Klein; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; O'Connell; Robinson; Tomac

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1091 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1122:** A BILL for an Act to amend and reenact sections 46-02-04, 46-02-05, 46-02-06, 46-02-07, and 46-02-09 of the North Dakota Century Code, relating to the acquisition, classifications, specifications, and the authority of the office of management and budget with respect to state printing.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; 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

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1122 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1123:** A BILL for an Act to amend and reenact section 44-08-01 of the North Dakota Century Code, relating to preference to North Dakota bidders for services and specifying name brand merchandise.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1123 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1124:** A BILL for an Act to amend and reenact section 46-05-03 of the North Dakota Century Code, relating to review and adjustment of rates for legal notices by the office of management and budget.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1124 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1135:** A BILL for an Act to amend and reenact section 52-09-08, subsection 36 of section 57-15-06.7, and subsection 6 of section 57-15-28.1 of the North Dakota Century Code, relating to limitations on the levy by counties for comprehensive health care insurance programs; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1135 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1147:** A BILL for an Act to amend and reenact subsection 1 of section 24-02-03.3 and subsection 4 of section 54-06-09 of the North Dakota Century Code, relating to use of personal motor vehicles by state employees.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; 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

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1147 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1148:** A BILL for an Act to amend and reenact section 44-08-05.1, subsection 8 of section 54-44.4-02, and section 54-44.4-04 of the North Dakota Century Code, relating to approval of vouchers for state purchases made using a purchasing card and required use of purchasing cards for state purchases costing less than a designated amount.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; 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

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1148 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1156:** A BILL for an Act to amend and reenact section 44-08-04.5 of the North Dakota Century Code, relating to the direct billing of employee lodging expenses.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; 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

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1156 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1158:** A BILL for an Act to amend and reenact section 61-24.3-01 of the North Dakota Century Code, relating to the amount of bonds that may be issued to finance the southwest pipeline project.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; 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

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1158 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1191:** A BILL for an Act to create and enact a new section to chapter 39-06.1 of the North Dakota Century Code, relating to the disposition of traffic offenses for diplomats.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; 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

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1191 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1211:** A BILL for an Act to create and enact a new subsection to section 57-39.2-26.1 of the North Dakota Century Code, relating to the allocation of revenues among political subdivisions through the state aid distribution fund; 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 PASS, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; 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

**NAYS:** Holmberg

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1211 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1240:** A BILL for an Act to create and enact a new section to chapter 23-10 of the North Dakota Century Code, relating to the change in use or closure of a mobile park.

**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 43 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Wanzek; Wardner; Watne

**NAYS:** O'Connell; Tallackson; Trenbeath; Urlacher

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1240 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1255:** A BILL for an Act to create and enact a new section to chapter 11-18 of the North Dakota Century Code, relating to changing references from the register of deeds to the recorder.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; 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

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1255 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1279:** A BILL for an Act to amend and reenact subdivision c of subsection 1 of section 11-18-02.2 of the North Dakota Century Code, relating to statements of full consideration on deeds.

**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 YEA, 46 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Polovitz

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

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1279 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1323:** A BILL for an Act to provide for legislative council correction of references by the fifty-seventh legislative assembly to the North Dakota firemen's association; and to

amend and reenact sections 18-03-01, 18-03-02, 18-03-03, 18-03-04, 18-03-05, 18-03-06, 18-03-07, 18-03-08, 18-04-01, 18-04-08, 18-10-16, and 26.1-01-07.5 of the North Dakota Century Code, relating to the North Dakota firefighter's association.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1323 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1332:** A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to counties not issuing refunds of taxes or fees unless the amount to be refunded is five dollars or more.

#### 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 37 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Christenson; Christmann; Cook; Erbele; Espegard; Every; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, G.; O'Connell; Polovitz; Robinson; Tallackson; Thane; Tollefson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bowman; Dever; Flakoll; Nelson, C.; Nothing; Nichols; Schobinger; Solberg; Stenehjem; Trenbeath

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1332 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1335:** A BILL for an Act to amend and reenact sections 15.1-09-14, 15.1-09-15, 15.1-09-24, 15.1-09-25, 40-09-04, 40-21-02, 40-21-07, and 40-21-12 of the North Dakota Century Code, relating to canvassing school district election results, members of school boards taking oaths of office and failing to qualify for office, terms of city commissioners, withdrawal of city nominating petitions, and canvassing city election results.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1335 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1339:** A BILL for an Act to amend and reenact section 6-09-37 of the North Dakota Century Code, relating to the sale and leasing of agricultural real estate by the Bank of North Dakota.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; 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

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1339 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1404:** A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to farm winery licenses.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; 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

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1404 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**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.

**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, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Christenson; Christmann; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Bowman; Cook; Dever; Kilzer; Klein; Solberg; Stenehjem; Wanzek; Watne

**ABSENT AND NOT VOTING:** Bercier; Lee

HB 1364 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1449:** A BILL for an Act to amend and reenact section 54-52.3-01 of the North Dakota Century Code, relating to participation by members of the legislative assembly in the pretax benefits program; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; 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

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1449 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1469:** A BILL for an Act to provide that certain custom agricultural operation employment is exempt from workers' compensation coverage.

**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, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Lyson; Trenbeath

**ABSENT AND NOT VOTING:** Bercier; Lee

Engrossed HB 1469 passed and the title was agreed to.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3013:** A concurrent resolution directing the Legislative Council to study the designation of highways in the state highway system and the county road system.

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

HCR 3013 was declared adopted, and the title was agreed to on a voice vote.

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**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 6, 2001: SB 2093, SB 2112, SB 2122.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4043.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1300.

**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 1120.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1119, HB 1170.

**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 1077, HB 1195, HB 1258, HCR 3003.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2100, SB 2101.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SB 2025, SB 2057, SB 2061, SB 2065, SB 2110, SB 2111, SB 2128, SB 2152, SB 2171.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass: SB 2207.

#### 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 1:00 p.m., Wednesday, March 7, 2001, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1029: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1029 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1030, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1030 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1058, as engrossed: 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). Engrossed HB 1058 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "creation of a duplicative payment fund and the distribution" with "transfer"

Page 1, line 4, replace "payment fund - Creation" with "payments - Transfer"

Page 1, remove line 5

Page 1, line 6, remove "2."

Page 1, line 8, remove "and if at the time the superintendent receives"

Page 1, remove line 9

Page 1, line 10, remove "session", replace "deposit" with "transfer", and replace "in the duplicative payment" with "to the state tuition"

Page 1, line 11, replace "subsection" with "section"

Page 1, remove lines 13 through 17

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1063: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1063 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1089, as engrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1089 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "three" with "one"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1103: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1103 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1105, as reengrossed: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1105 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1184, as engrossed: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1184 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection" with "subsections" and after "2" insert "and 3"

Page 1, line 4, replace "Subsection" with "Subsections" and after "2" insert "and 3"

Page 1, line 5, replace "is" with "are"

Page 1, after line 18, insert:

- "3. Except as otherwise permitted in this chapter, before the transferee of a registered vehicle may operate the vehicle on a highway, the transferee must apply for and obtain a new registration of the vehicle, as on an original registration. To provide the transferee adequate time to obtain a new registration, the director may provide for the issuance of a temporary registration certificate to permit the transferee to operate the vehicle for thirty days after the date of acquisition. The certificate must be mailed with each renewal of registration notice and must be available to the transferee from licensed vehicle dealers, law enforcement agencies, and motor vehicle branch offices. The vehicle may be operated for five days from date of purchase without a plate or certificate of ownership if dated evidence of ownership is carried in the vehicle. The evidence of ownership must be in a form as prescribed by the department."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1185: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1185 was placed on the Sixth order on the calendar.

Page 1, line 2, after the first comma insert "and" and remove ", and subsection 1 of section"

Page 1, line 3, remove "39-05-09.2"

Page 3, line 6, replace "homemade vehicles" with "a vehicle not otherwise assigned a number"

Page 3, remove lines 9 through 17

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1192: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1192 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3024, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HCR 3024 was placed on the Sixth order on the calendar.

Page 2, line 8, after the first "to" insert "the President of the United States,"

Renumber accordingly

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

**WILLIAM R. HORTON, Secretary**