

## JOURNAL OF THE SENATE

## Fifty-ninth Legislative Assembly

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Bismarck, February 10, 2005

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

The prayer was offered by Pastor Don Burnett, Bismarck Baptist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President Pro Tem.

**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Larry Schoenwald.

**CONSIDERATION OF AMENDMENTS**

**SB 2324: SEN. DEVER (Political Subdivisions Committee) MOVED** that the amendments on SJ page 354 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2321: SEN. LYSON (Human Services Committee) MOVED** that the amendments on SJ page 377 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2259: SEN. DEVER (Human Services Committee) MOVED** that the amendments on SJ pages 373-374 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2346: SEN. TRENBEATH (Transportation Committee) MOVED** that the amendments on SJ page 377 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2378: SEN. SYVERSON (Judiciary Committee) MOVED** that the amendments on SJ pages 377-378 be adopted and then be placed on the Tenth order with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2268 be moved to the bottom of the Sixth order, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended and that after action taken on the Sixth order, SB 2268, SB 2304, and SB 2375 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2304: SEN. J. LEE (Human Services Committee) MOVED** that the amendments on SJ pages 375-376 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2304:** A BILL for an Act to amend and reenact section 50-11.1-02 of the North Dakota Century Code, relating to services included within the definition of early childhood services; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2304 passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**SB 2375: SEN. FLAKOLL (Education Committee) MOVED** that the amendments on SJ page 377 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2375:** A BILL for an Act relating to a unified system of credential qualifications between North Dakota and Minnesota.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2375 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2268, as engrossed: SEN. LYSON (Appropriations Committee) MOVED** that the amendments on SJ pages 374-375 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2268:** A BILL for an Act to provide for a legislative council study of waste rubber recycling and remediation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Mutch; Robinson; Stenehjem

Reengrossed SB 2268 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2033:** A BILL for an Act to create and enact a new section to chapter 15.1-29 of the North Dakota Century Code, relating to the enrollment and provision of services to elementary and high school students placed by out-of-state agencies or entities; and to amend and reenact section 15.1-29-14 of the North Dakota Century Code, relating to elementary and high school student residency determinations.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2033 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2082:** A BILL for an Act to create and enact a new section to chapter 43-01 of the North Dakota Century Code, relating to the temporary certification of an abstracter to work in a county that has no certified abstracter; and to amend and reenact sections 43-01-15.1 and 43-01-16 of the North Dakota Century Code, relating to the furnishing of limited abstracts upon request and the cancellation of an abstracter's certificate.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2082 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2164:** A BILL for an Act to amend and reenact sections 6-08-16 and 6-08-16.2 of the North Dakota Century Code, relating to increasing fees and costs for checks issued on closed accounts and accounts with insufficient funds.

**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 38 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Bercier; Fairfield; Mathern; Nelson; O'Connell; Stenehjem; Urlacher; Warner

Engrossed SB 2164 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2200:** A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to recording devices on motor vehicles; to provide a penalty; and to provide for application.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2200 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2278:** A BILL for an Act to create and enact five new sections to chapter 49-05 of the North Dakota Century Code, relating to public utility rate stability plans.

#### **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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2278 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2305:** A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to immunity for altered liquified petroleum gas equipment or appliances.

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

**YEAS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Mutch; Nething; O'Connell; Schobinger; Syverson; Tallackson; Thane; Tollefson; Warner

**NAYS:** Bercier; Every; Fairfield; Flakoll; Grindberg; Hacker; Kringstad; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Robinson; Seymour; Stenehjem; Taylor; Traynor; Trenbeath; Triplett; Urlacher; Wardner

Engrossed SB 2305 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2337:** A BILL for an Act to create and enact two new sections to chapter 14-02.4 of the North Dakota Century Code, relating to the creation of a commission on human rights within the department of labor.

#### **MOTION**

**SEN. MATHERN MOVED** that Engrossed SB 2337 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to create and enact a new section to chapter 34-05 of the North Dakota Century Code, relating to creation of a department of labor advisory committee.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 34-05 of the North Dakota Century Code is created and enacted as follows:

**Advisory committee.** The governor shall appoint a department of labor advisory committee consisting of seven volunteer members. At least three of the members must be members of groups against whom discrimination is prohibited under chapters 14-02.4 and 14-02.5. The governor shall appoint a chairman, vice chairman, and secretary from the advisory committee membership. The term of each committee member is four years. The labor commissioner shall define the duties of the advisory committee. Advisory committee members are entitled to receive reimbursement for travel and other necessary expenses incurred in performing committee duties in the amount set by the labor commissioner. The advisory committee shall meet regularly with the labor commissioner to review the department of labor's operations as they relate to human rights and housing discrimination."

Renumber accordingly

**REQUEST**

**SEN. EVERY REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2337, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the proposed amendments to Engrossed SB 2337, the roll was called and there were 15 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

The proposed amendments to Engrossed SB 2337 failed.

**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 17 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

Engrossed SB 2337 lost.

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**SECOND READING OF SENATE BILL**

**SB 2345:** A BILL for an Act to amend and reenact section 23-11-05 of the North Dakota Century Code, relating to the compensation of housing authority commissioners.

**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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espesgard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson;

Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed SB 2345 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2351:** A BILL for an Act to amend and reenact section 65-05-09.4 of the North Dakota Century Code, relating to workers' compensation additional benefits for retired injured employees; and to provide for application.

#### 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2351 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2370:** A BILL for an Act to amend and reenact subsection 6 of section 11-10-10 of the North Dakota Century Code, relating to the salary of state's attorneys.

#### 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2370 passed and the title was agreed to.

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#### MOTION

**SEN. CHRISTMANN MOVED** that Engrossed SB 2395, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed SB 2395 was rereferred.

#### MOTION

**SEN. CHRISTMANN MOVED** that SB 2377 be returned to the Senate floor from the **Government and Veterans Affairs Committee** for the purpose of withdrawal, which motion prevailed.

#### REQUEST

**SEN. MUTCH REQUESTED** the unanimous consent of the Senate to withdraw SB 2377. There being no objection, it was so ordered by the President.

#### SECOND READING OF SENATE BILL

**SB 2051:** A BILL for an Act to provide for collection and review of information on economic development incentives provided by the state and political subdivisions and job quality and accountability standards; and to amend and reenact subdivision www of subsection 1 of section 41-09-02 of the North Dakota Century Code, relating to providing that an employee of a person receiving development assistance is a secured party.

**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 16 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

SB 2051 lost.

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**SECOND READING OF SENATE BILL**

**SB 2074:** A BILL for an Act to create and enact three new sections to chapter 6-09.4 of the North Dakota Century Code, relating to changing the name of the municipal bond bank to the public finance authority and authorizing the authority to issue bonds on behalf of other state bonding entities; and to amend and reenact sections 6-09.4-01, 6-09.4-03, 6-09.4-04, 6-09.4-05, 6-09.4-05.1, 6-09.4-06, 6-09.4-07, 6-09.4-08, 6-09.4-09, 6-09.4-10, 6-09.4-11, 6-09.4-12, 6-09.4-14, 6-09.4-15, 6-09.4-16, 6-09.4-17, 6-09.4-18, 6-09.4-19, 6-09.4-20, 6-09.4-21, 6-09.4-22, 6-09.4-23, 21-02-11, and 21-03-30, subsection 7 of section 26.1-05-19, subdivision l of subsection 2 of section 28-32-01, subsection 9 of section 40-33.3-06, sections 54-01-27 and 54-17-36, subsection 1 of section 61-28.1-12, and subsections 2 and 3 of section 61-28.2-01 of the North Dakota Century Code, relating to changing the name of the municipal bond bank to the public finance authority and to use of the reserve fund.

**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, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Brown; Cook; Freborg; Mutch; Nething; Schobinger; Thane; Tollefson

SB 2074 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2117:** A BILL for an Act to amend and reenact sections 14-02.4-02, 14-02.4-14, 14-02.4-20, and 14-02.4-23 of the North Dakota Century Code, relating to department of labor discriminatory practices proceedings.

**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, 0 ABSENT AND NOT VOTING.

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

SB 2117 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2238:** A BILL for an Act to create and enact a new section to chapter 57-33 and a new section to chapter 57-38 of the North Dakota Century Code, relating to a credit against rural electric cooperative gross receipts taxes and a credit against corporate income taxes for electricity purchased from school districts that generate electricity using wind turbines; 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 17 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Dever; Erbele; Every; Fairfield; Grindberg; Heitkamp; Krauter; Mathern; Nelson; Robinson; Seymour; Syverson; Taylor; Wardner; Warner

**NAYS:** Bowman; Brown; Christmann; Cook; Espgaard; Fischer; Flakoll; Freborg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; Nething; O'Connell; Schobinger; Stenehjerm; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher

SB 2238 lost.

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**SECOND READING OF SENATE BILL**

**SB 2252:** A BILL for an Act to amend and reenact subsection 3 of section 23-07.3-01 and subsections 1 and 9 of section 23-07.5-01 of the North Dakota Century Code, relating to notification of exposure to infectious diseases and to human immunodeficiency virus testing.

**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, 0 ABSENT AND NOT VOTING.

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

SB 2252 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2256:** A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to nonresident waterfowl hunting license fees; and to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting 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 19 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Bowman; Christmann; Erbele; Every; Freborg; Heitkamp; Klein; Krauter; Krebsbach; Kringstad; Lyson; O'Connell; Schobinger; Stenehjerm; Tallackson; Triplett; Urlacher; Wardner

**NAYS:** Andrist; Brown; Cook; Dever; Espgaard; Fairfield; Fischer; Flakoll; Grindberg; Hacker; Holmberg; Kilzer; Lee, G.; Lee, J.; Lindaas; Mathern; Mutch; Nelson; Nething; Robinson; Seymour; Syverson; Thane; Tollefson; Traynor; Trenbeath

**ABSENT AND NOT VOTING:** Taylor; Warner

SB 2256 lost.

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**SECOND READING OF SENATE BILL**

**SB 2258:** A BILL for an Act to amend and reenact section 24-02-25 of the North Dakota Century Code, relating to payments to contractors.

**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, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bercier

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

**ABSENT AND NOT VOTING:** Warner

SB 2258 lost.

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**SECOND READING OF SENATE BILL**

**SB 2402:** A BILL for an Act to amend and reenact section 12.1-23-05 of the North Dakota Century Code, relating to the theft of firearms; 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 NOT PASS, the roll was called and there were 1 YEA, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** O'Connell

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

SB 2402 lost.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4024:** A concurrent resolution urging Congress and the Secretary of the United States Department of the Interior to provide funding for United Tribes Technical College.

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

Engrossed SCR 4024 was declared adopted, and the title was agreed to on a voice vote.

\*\*\*\*\*

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4001:** A concurrent resolution authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.

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

SCR 4001 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4022:** A concurrent resolution urging the President of the United States to protect, defend, and support federal antitrust and securities fraud laws.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

SCR 4022 was declared lost on a voice vote.

\*\*\*\*\*

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4027:** A concurrent resolution directing the Legislative Council to study the need for dementia-related services, standards, and practices for caregivers and funding for programs and services for individuals with dementias.

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

SCR 4027 was declared adopted, and the title was agreed to on a voice 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 2099, SB 2107, SB 2160, SB 2170, SB 2196, SB 2225, SB 2335, SB 2359, SB 2368, SB 2388, SB 2390, SB 2393, SCR 4017, SCR 4020.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2067, SB 2227.

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

**MR. PRESIDENT:** The House wishes to inform the Senate that the House has voted to suspend Joint Rule 702, and that the House will be in recess on Monday and Tuesday, February 21 and 22, 2005.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1366, HB 1514.

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, February 11, 2005, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2177, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2177 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2179: 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 2179 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "a" and replace "license" with "wine sales and special events"

Page 1, line 10, remove the overstrike over "~~may be granted an~~"

Page 1, line 11, remove the overstrike over "~~exemption~~" and remove "are exempt"

Page 1, remove the overstrike over lines 12 through 14

Page 1, line 15, remove the overstrike over "~~quantity or quality of produce~~" and remove "for a particular type of wine if the tax commissioner"

Page 1, line 16, remove "determines an ingredient" and remove the overstrike over "~~to an extent that renders compliance~~"

Page 1, line 17, remove the overstrike over "~~with the majority ingredient utilization requirement infeasible~~" and remove "is not available to"

Page 1, line 18, remove "make that type of wine"

Page 2, line 14, remove the overstrike over "~~A domestic~~"

Page 2, remove the overstrike over lines 15 and 16

Page 2, line 17, remove the overstrike over "~~a wholesale liquor license.~~" and remove "Notwithstanding any other provision of law, a domestic"

Page 2, line 18, remove "winery may sell directly to a person with a retail license."

Page 2, line 22, remove "on wine sold directly"

Page 2, line 23, remove "to a retailer" and remove "the wholesale taxes and"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2204: 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 2204 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "A" with "Except for a creditor that is a licensed nursing facility or a basic care facility, a"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2339, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2339 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2240, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2240 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2267: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2267 was placed on the Sixth order on the calendar.

Page 1, line 1, after "citizens" insert "; and to provide a statement of legislative intent"

Page 1, line 4, replace "\$3,000,000" with "\$500,000"

Page 1, after line 8, insert:

**"SECTION 2. LEGISLATIVE INTENT - HOME-DELIVERED MEALS.** It is the intent of the fifty-ninth legislative assembly that the department of human services encourage providers, to the extent possible, to allocate additional resources to making available more home-delivered meals for the biennium beginning July 1, 2005, and ending June 30, 2007."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2274, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2274 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2286: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2286 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2318: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2318 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2327: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2327 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2340: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2340 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2343: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2343 was placed on the Sixth order on the calendar.

Page 4, line 24, after "provider" insert "unless a specific reason why the principal desires a health care provider to act as an agent is provided in the health care directive"

Page 4, line 26, after "provider" insert "unless a specific reason why the principal desires an employee of the health care provider to act as an agent is provided in the health care directive"

Page 5, line 13, replace the first underscored comma with "or" and remove "durable"

Page 5, line 29, overstrike "power of"

Page 5, line 30, overstrike "attorney for health care" and insert immediately thereafter "directive"

Page 6, line 20, replace "to" with "regarding"

Page 7, line 11, overstrike "power" and insert immediately thereafter "directive"

Page 10, line 28, overstrike "durable power of attorney for" and after "care" insert "directive"

Page 11, line 19, replace "Permit the agent to arrange" with "Arrange"

Page 11, line 25, overstrike "a durable power of"

Page 11, line 26, overstrike "attorney for health care" and insert immediately thereafter "the appointment of an agent in a health care directive"

Page 12, line 21, replace "withdrawl" with "withdrawal"

Page 12, line 28, replace "withdrawl" with "withdrawal"

Page 12, line 29, replace "qualified patient" with "principal"

Page 13, line 4, replace "withdrawl" with "withdrawal"

Page 13, line 10, after "**attorney**" insert "or other directives"

Page 18, line 23, replace "know" with "known", after the second "or" insert "my agent", and replace "may" with "my"

Page 20, line 29, replace "some or all" with ", at a minimum,"

Page 20, line 30, remove "of this" and after "II" insert "(B)"

Page 21, line 2, after the second underscored period insert:

"(A)"

Page 21, after line 25, insert:

"(B)"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2344: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2344 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2357: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2357 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2360: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2360 was placed on the Sixth order on the calendar.

Page 1, line 19, overstrike "preventing" and insert immediately thereafter:

1. Refusing access to any information or record requested for a child abuse or neglect assessment or any other investigation or proceeding under this chapter;
2. Preventing", after "made" insert an underscored semicolon, and overstrike "for excluding" and insert immediately thereafter:
- "3. Excluding"

Page 1, line 20, after "proceeding" insert "under this chapter"

Page 1, line 21, remove "Privilege of communication between any health care"

Page 1, remove lines 22 and 23

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2362: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2362 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2364: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2364 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15.1-27-10 of the North Dakota Century Code, relating to per student special education payments; and to provide a method for distributing special education payments.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 15.1-27-10 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-10. Per student payments - Special education.**

1. Except as provided in subsection 2, each biennium the superintendent of public instruction shall distribute 68.95 percent of any moneys appropriated by the legislative assembly for ~~per student~~ special education payments ~~to each~~ among school ~~district~~ districts in the state on the basis of students in

average daily membership. The superintendent of public instruction shall forward the payments, as calculated under section 15.1-27-05, to eligible school districts in the same manner and at the same time that the superintendent distributes state aid payments. For purposes of this section, "special education" means the provision of special services to students who have special needs, including students who are gifted and talented. Expenditures under this section may not conflict with nonsupplanting and maintenance of effort provisions under the Individuals With Disabilities Education Act, 20 United States Code 1400 et seq.

2. Upon the written request of a school district, the superintendent of public instruction may forward all or a portion of the moneys to which the school district is entitled under this section directly to the special education unit of which the school district is a member.
3. The superintendent of public instruction may withhold state special education funds due a school district if, in response to a complaint, the superintendent finds that the district is not providing a free appropriate public education to a student as required by law. Any withholding under this subsection may not exceed an amount equal to the cost of meeting the affected student's needs.

**SECTION 2. SPECIAL EDUCATION PAYMENTS - DISTRIBUTION DURING 2005-07 BIENNIUM.**

1. The superintendent of public instruction shall distribute 30.2 percent of any moneys appropriated in the grants - special education line item in House Bill No. 1013 to school districts or special education units as reimbursement for excess costs incurred in contracts for students with disabilities during the biennium beginning July 1, 2005, and ending June 30, 2007.
2. The superintendent of public instruction shall distribute 0.85 percent of any moneys appropriated in the grants - special education line item in House Bill No. 1013 to school districts or special education units as reimbursement for costs incurred in providing programs to gifted and talented students during the biennium beginning July 1, 2005, and ending June 30, 2007, upon the submission of an application that is approved by the superintendent. The superintendent of public instruction shall encourage the provision of gifted and talented programs through cooperative efforts by school districts and special education units.
3. If any moneys remain after the superintendent of public instruction completes the requirements of section 15.1-27-10 and subsections 1 through 3 of this section, the superintendent shall distribute the remaining moneys as additional per student special education payments in the same manner as provided in section 15.1-27-10."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2374: 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 2374 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "and" with a comma and after "employers" insert ", and the labor representative of the collective bargaining agreement if a collective bargaining agreement exists"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2382: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2382 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and paragraph 3 of subdivision b of"

Page 1, line 2, remove "subsection 1 of section 43-11-28"

Page 1, line 8, remove the overstrike over "~~both~~"

Page 1, line 9, remove the overstrike over "~~practical demonstrations and~~"

Page 1, line 11, remove the overstrike over "~~The board~~"

Page 1, line 13, after "~~requirements~~" insert "shall administer a practical examination for applicants for licensure in each city in which a school of cosmetology is located" and remove the overstrike over the overstruck period

Page 1, remove lines 15 through 19

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2401: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2401 was placed on the Sixth order on the calendar.

Page 1, line 13, remove the overstrike over the overstruck semicolon and remove the underscored period

Page 1, line 15, remove the overstrike over the overstruck semicolon and remove the underscored period

Page 2, line 30, overstrike the period and insert immediately thereafter "; or"

Page 3, line 11, remove "or the defendant had a firearm in the defendant's actual"

Page 3, line 12, remove "possession at the time of the offense"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4004: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4004 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4016: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4016 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4021: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4021 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4023: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4023 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4025: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4025 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4026: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4026 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4030: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4030 was placed on the Sixth order on the calendar.

Page 1, line 5, after "aging" insert "and disabled"

Page 1, line 15, replace "demands of an" with "providing the preferred method of care to the individual in the long-term care continuum"

Page 1, line 16, remove "aging population"

ReNUMBER accordingly

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. J. Lee and Reps. Koppelman, Wieland introduced:

(Approved by the Delayed Bills Committee)

**SCR 4034:** A concurrent resolution congratulating the West Fargo High School Packatahnas for their first-place finish in the Universal Dance Association national finals.

Was read the first time and referred to the **Human Services Committee**.

Sens. Klein, Krebsbach introduced:

**SCR 4035:** A concurrent resolution directing the Legislative Council to study mill levy authority for North Dakota regional planning councils to promote economic development efforts throughout North Dakota.

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

#### FIRST READING OF HOUSE BILLS

**HB 1024:** A BILL for an Act making an appropriation for defraying the expenses of various state departments and institutions; and to declare an emergency.

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

**HB 1043:** A BILL for an Act to create and enact sections 57-39.2-03.9, 57-39.5-05, and 57-39.6-05 and chapter 57-39.7 of the North Dakota Century Code, relating to application of sales taxes to tobacco products, use taxes and credits for storage, use, or consumption in this state of farm machinery or alcoholic beverages, and a lodging gross receipts tax; to amend and reenact subsection 2 of section 11-09.1-05, sections 40-05.1-06, 57-01-02.1, and 57-39.2-01, subdivision h of subsection 1 of section 57-39.2-02.1, subsection 26 of section 57-39.2-04, subdivision d of subsection 2 of section 57-39.2-04.1, section 57-39.2-26.1, subsection 8 of section 57-39.4-16, section 57-40.2-01, subsection 2 of section 57-40.2-02.1, and sections 57-40.2-03.2, 57-40.2-04, and 57-40.2-04.1 of the North Dakota Century Code, relating to sales and use tax amendments to conform with the provisions of the Streamlined Sales Tax Act; to repeal section 57-39.2-03.8 and subsection 33 of section 57-39.2-04 of the North Dakota Century Code, relating to elimination of provisions in conflict with the Streamlined Sales Tax Act; to provide an effective date; and to provide an expiration date.

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

**HB 1073:** A BILL for an Act to amend and reenact subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to primary insurance benefits under the old-age and survivor insurance system; and to provide an appropriation.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1119:** A BILL for an Act to amend and reenact section 65-05-28 of the North Dakota Century Code, relating to drug testing of injured workers for workforce safety and insurance purposes; and to provide for application.

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

**HB 1122:** A BILL for an Act to amend and reenact sections 65-01-09 and 65-05-05 of the North Dakota Century Code, relating to subrogation and lien rights of the organization and reimbursement of benefits paid by the organization; and to provide for application.

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

**HB 1123:** A BILL for an Act to amend and reenact sections 65-04-20 and 65-04-22, subsection 3 of section 65-04-33, subsection 4 of section 65-08-01, and subsection 2 of section 65-09-01 of the North Dakota Century Code, relating to premium installment payments, authority to decline coverage and negotiate penalties, extraterritorial coverage, and certification by contractor of independent contractor status.

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



**HB 1125:** A BILL for an Act to amend and reenact sections 65-03-04, 65-04-01, 65-04-19.1, 65-04-19.3, 65-05-07.2, 65-07-02, and 65-07-03 of the North Dakota Century Code, relating to workforce safety and insurance annual establishment of minimum premium, premium discount and premium calculation programs, employer medical expense assessment incentives, elective coverage, and coverage for employer's children; and to provide a continuing appropriation.

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

**HB 1152:** A BILL for an Act to provide for a transfer of earnings from the student loan trust to the general fund; and to amend and reenact section 54-17-25 of the North Dakota Century Code, relating to bonds of the student loan trust.

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

**HB 1155:** A BILL for an Act to amend and reenact subsection 1 of section 10-30.1-05, section 10-30.2-12, subsection 4 of section 10-33-124, subsection 5 of section 11-37-08, subsections 1 and 3 of section 40-63-04, section 40-63-06, subsection 4 of section 40-63-07, subsections 1 and 2 of section 57-38-01.7, subsections 1 and 4 of section 57-38-01.8, sections 57-38-01.14, 57-38-01.16, and 57-38-01.17, subsection 1 of section 57-38-01.20, and sections 57-38.5-03 and 57-38.6-03 of the North Dakota Century Code, relating to elimination of the optional long-form income tax return; to repeal subsection 2 of section 10-30.1-01, sections 57-38-01.2, 57-38-01.18, 57-38-02, 57-38-03, 57-38-06.1, 57-38-29, 57-38-29.2, and 57-38-30.4, subsection 2 of section 57-38-31, and sections 57-38-67, 57-38-68, 57-38-69, 57-38-70, 57-38-71, 57-38-72, 57-38-73, and 57-38-74 of the North Dakota Century Code, relating to elimination of the optional long-form income tax return; and to provide an effective date.

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

**HB 1165:** A BILL for an Act to create and enact a new section to chapter 43-30 of the North Dakota Century Code, relating to exceptions to private investigative services licensing; to amend and reenact sections 43-30-01, 43-30-02, and 43-30-03 of the North Dakota Century Code, relating to licensing persons engaged in private investigative service or private security service; and to provide a penalty.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1170:** A BILL for an Act to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to cooperative purchasing by the office of management and budget; and to amend and reenact sections 15.1-09-34, 54-44.4-02, and 54-44.4-05 of the North Dakota Century Code, relating to the office of management and budget's purchasing services and to competitive, limited competitive, noncompetitive, and negotiated purchases.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1171:** A BILL for an Act to amend and reenact sections 65-01-02, 65-05.1-01, 65-05.1-02.1, 65-05.1-04, and 65-05.1-06.1 of the North Dakota Century Code, relating to the definition of permanent total disability and temporary total disability, vocational rehabilitation options, eligibility for partial disability benefits, elective vocational rehabilitation retraining, and vocational rehabilitation noncompliance appeals for workforce safety and insurance purposes; to provide an effective date; and to provide for application.

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

**HB 1174:** A BILL for an Act to create and enact chapter 13-09 of the North Dakota Century Code, relating to licensing, reports, and examination of money transmitters; to amend and reenact subsection 1 of section 6-01-01.1 of the North Dakota Century Code, relating to the financial institutions regulatory fund; to repeal chapter 51-17 of the North Dakota Century Code, relating to the licensing of check sellers; to provide a penalty; to provide an appropriation; and to provide an effective date.

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

**HB 1177:** A BILL for an Act to amend and reenact sections 54-44.1-11 and 55-02-09 of the North Dakota Century Code, relating to the use of unexpended appropriations for the state historical society.

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

**HB 1185:** A BILL for an Act to amend and reenact section 54-34.3-13 of the North Dakota Century Code, relating to continuation of the rural growth incentive grant program.

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

**HB 1193:** A BILL for an Act to amend and reenact subsection 7 of section 20.1-03-11 and section 20.1-08-04.6 of the North Dakota Century Code, relating to preferential landowner licenses to hunt elk.

Was read the first time and referred to the **Natural Resources Committee**.

**HB 1194:** A BILL for an Act to create and enact a new section to chapter 15.1-29 of the North Dakota Century Code, relating to contract terms for the cross-border attendance of elementary and high school students.

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

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

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

**HB 1210:** A BILL for an Act to amend and reenact section 39-16-03.1 of the North Dakota Century Code, relating to the confidentiality of a driving record.

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

**HB 1213:** A BILL for an Act to amend and reenact section 26.1-02-25 of the North Dakota Century Code, relating to the penalty for an insurance company selling unauthorized insurance without a license; and to declare an emergency.

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

**HB 1222:** A BILL for an Act providing for determining the estimated fiscal effect of an initiated measure.

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

**HB 1238:** A BILL for an Act to amend and reenact subsection 3 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis and preferential landowner licenses to hunt deer.

Was read the first time and referred to the **Natural Resources Committee**.

**HB 1240:** A BILL for an Act to amend and reenact subsection 4 of section 43-23-08 of the North Dakota Century Code, relating to real estate salesperson education requirements for licensure; and to provide an effective date.

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

**HB 1248:** A BILL for an Act to amend and reenact section 50-24.1-02.8 of the North Dakota Century Code, relating to transfers involving annuities.

Was read the first time and referred to the **Human Services Committee**.

**HB 1275:** A BILL for an Act to create and enact a new section to chapter 54-59 of the North Dakota Century Code, relating to executive branch, legislative branch, and judicial branch reporting of information technology projects to the information technology advisory committee; and to amend and reenact section 54-59-07 of the North Dakota Century Code, relating to the state information technology advisory committee.

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

**HB 1277:** A BILL for an Act to create and enact a new chapter to title 12 of the North Dakota Century Code, relating to electronic home detention and global positioning system monitoring for certain offenders; and to amend and reenact subdivision b of subsection 3 of section 12.1-08-06 of the North Dakota Century Code, relating to the definition of official detention.

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

**HB 1282:** A BILL for an Act to create and enact subsection 10 to section 54-44.1-06 of the North Dakota Century Code, relating to requiring continuing appropriation information in the budget data; and to amend and reenact section 54-44.1-08 of the North Dakota Century Code, relating to budget reports to the legislative assembly.

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

**HB 1301:** A BILL for an Act to create and enact subsection 10 to section 54-44.1-06 of the North Dakota Century Code, relating to requiring bonding information in the budget data contents; and to amend and reenact section 54-44.1-08 of the North Dakota Century Code, relating to budget reports to the legislative assembly.

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

**HB 1306:** A BILL for an Act to amend and reenact section 1 of chapter 188 of the 1987 Session Laws, relating to the sale of certain state lands by the board of university and school lands to Stark County.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1317:** A BILL for an Act to amend and reenact subsection 3 of section 20.1-03-12 of the North Dakota Century Code, relating to big game hunting license fees.

Was read the first time and referred to the **Natural Resources Committee**.

**HB 1321:** A BILL for an Act to amend and reenact section 13-08-12 of the North Dakota Century Code, relating to deferred presentment service transaction procedures and limitations.

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

**HB 1330:** A BILL for an Act to create and enact section 43-10-22.2 of the North Dakota Century Code, relating to funeral establishment ownership disclosures.

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

**HB 1333:** A BILL for an Act to repeal section 57-05-11 of the North Dakota Century Code, relating to confidentiality of information relating to assessment of railroad property.

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

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

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

**HB 1364:** A BILL for an Act relating to English pronunciation by faculty and teaching assistants.

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

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

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

**HB 1419:** A BILL for an Act to amend and reenact section 20.1-08-04.6 of the North Dakota Century Code, relating to special licenses to take elk.

Was read the first time and referred to the **Natural Resources Committee**.

**HB 1427:** A BILL for an Act to amend and reenact section 41-09-99 of the North Dakota Century Code, relating to limitations on waiver of state law protections for agricultural liens.

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

**HB 1432:** A BILL for an Act to create and enact sections 16.1-08.1-03.10 and 16.1-08.1-03.11 of the North Dakota Century Code, relating to campaign finance; and to amend and reenact subsection 5 of section 16.1-08.1-01, subsections 2 and 3 of section 16.1-08.1-02, subsection 1 of section 16.1-08.1-03, subsection 3 of section 16.1-08.1-03.1, section 16.1-08.1-03.2, subsection 2 of section 16.1-08.1-03.8, and sections 16.1-08.1-03.9, 16.1-08.1-04, and 16.1-08.1-06.1 of the North Dakota Century Code, relating to campaign finance.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1433:** A BILL for an Act to amend and reenact sections 15.1-09-09, 16.1-01-09.1, 16.1-06-15, 16.1-06-16, 16.1-06-19, 16.1-06-20, 16.1-06-23, 16.1-11-01, 16.1-11-27, 16.1-11-31, 16.1-11-32, 16.1-11-33, 16.1-13-06, and 40-21-02 of the North Dakota Century Code, relating to election mechanics; and to repeal sections 16.1-11-23, 16.1-11-34, and 40-21-12 of the North Dakota Century Code, relating to election mechanics.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1438:** A BILL for an Act to amend and reenact sections 11-10.2-03 and 40-01.1-02 of the North Dakota Century Code, relating to local governance option advisory studies.

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

**HB 1449:** A BILL for an Act to amend and reenact subsection 8 of section 57-15-06.7 of the North Dakota Century Code, relating to county levies for historical works; and to provide an effective date.

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

**HB 1453:** A BILL for an Act to create and enact a new subsection to section 54-41-03 of the North Dakota Century Code, relating to authorized use of the coat of arms of the state.  
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1470:** A BILL for an Act to amend and reenact subsection 2 of section 50-24.6-02 and section 50-24.6-04 of the North Dakota Century Code, relating to the membership of the drug use review board and the prior authorization program.  
Was read the first time and referred to the **Human Services Committee**.

**HB 1482:** A BILL for an Act to create and enact a new section to chapter 40-13 of the North Dakota Century Code, relating to nepotism by city officials.  
Was read the first time and referred to the **Political Subdivisions Committee**.

**HB 1497:** A BILL for an Act to amend and reenact sections 15.1-09-11, 16.1-06-04, 16.1-06-05, 16.1-06-06, 16.1-06-07.1, 16.1-06-08, 16.1-06-09, 16.1-06-18, 16.1-11-22, 16.1-11-24, and 16.1-11-35, subsection 1 of section 16.1-12-02.2, and sections 16.1-13-22, 16.1-13-23, and 16.1-13-25 of the North Dakota Century Code, relating to election process administration; and to repeal section 16.1-13-26 of the North Dakota Century Code, relating to election process administration.  
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1500:** A BILL for an Act to provide for protection of victims of identity fraud; and to provide a penalty.  
Was read the first time and referred to the **Judiciary Committee**.

#### **FIRST READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3020:** A concurrent resolution urging Congress to implement the 2003-04 emergency agricultural disaster assistance legislation in the same manner as the 2001-02 legislation.  
Was read the first time and referred to the **Agriculture Committee**.

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

**William R. Horton, Secretary**