

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

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Bismarck, April 14, 2003

The House convened at 4:30 p.m., with Speaker Wentz presiding.

The prayer was offered by Rep. Tom Brusegaard, District 19.

The roll was called and all members were present except Representative Sitte.

A quorum was declared by the Speaker.

**CORRECTION AND REVISION OF THE JOURNAL**

**MADAM SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Thirty second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 671, line 11 after "to" insert "HB 1001, HB 1004, HB 1005, HB 1010, HB 1011, HB 1012, HB 1017, HB 1020, HB 1021, HB 1231, HB 1268,"

**REP. KRETSCHMAR MOVED** that the report be adopted, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2012: Reps. Delzer, Warnke, Kerzman.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2013: Reps. Monson, Martinson, Aarsvold.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2335: Reps. Skarphol, Carlisle, Gulleeson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2416: Reps. Kempenich, Brusegaard, Warner.

**MOTION**

**REP. BERG MOVED** that the conference committee report to HB 1035 be adopted, which motion failed on a voice vote. HB 1035 went back to conference committee.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2149, as engrossed:** Your conference committee (Sens. Trenbeath, Espgaard, Taylor and Reps. Weisz, Headland, Schmidt) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 753, adopt amendments as follows, and place SB 2149 on the Seventh order:

That the House recede from its amendments as printed on page 753 of the Senate Journal and pages 820 and 821 of the House Journal and that Engrossed Senate Bill No. 2149 be amended as follows:

Page 4, line 3, overstrike "two" and insert immediately thereafter "three"

Renumber accordingly

Engrossed SB 2149 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WEISZ MOVED** that the conference committee report on Engrossed SB 2149 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2149, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2149:** A BILL for an Act to amend and reenact sections 39-06-13 and 39-06-32, subdivision b of subsection 5 of section 39-06.1-03, subsection 17 of section 39-06.2-02, sections 39-06.2-06 and 39-06.2-16, subsection 3 of section 39-08-13, and section 39-16.1-10 of the North Dakota Century Code, relating to examination of applicants, evidence of actions against drivers received from other jurisdictions, issuance of a temporary certificate after granting a stay pending appeal, definition of gross vehicle weight rating, seasonal exemption from commercial driver's license requirements, time for submission of accident reports by law enforcement, and proof of future financial responsibility by nonresidents.

**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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Sitte

Engrossed SB 2149, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2150, as engrossed:** Your conference committee (Sens. Espeland, Mutch, Bercier and Reps. Bernstein, Galvin, Thorpe) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 981, adopt amendments as follows, and place SB 2150 on the Seventh order:

That the House recede from its amendments as printed on page 981 of the Senate Journal and page 922 of the House Journal and that Engrossed Senate Bill No. 2150 be amended as follows:

Page 1, line 10, after "furnish" insert ", upon request and payment of a fee of three dollars."

Page 1, line 11, after "or" insert "to a" and replace "upon" with "if the person has given written consent to the prospective employer for this information"

Page 1, line 12, remove "request and payment of a fee of three dollars"

Page 8, line 21, after "serious" insert "traffic"

Page 8, line 22, after "vehicle" insert ", and either conviction results in the revocation, cancellation, or suspension of an operator's license, including a commercial driver's license"

Page 8, line 25, after "serious" insert "traffic"

Page 8, line 26, after "vehicle" insert ", and any of the convictions results in the revocation, cancellation, or suspension of an operator's license, including a commercial driver's license"

Renumber accordingly

Engrossed SB 2150 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BERNSTEIN MOVED** that the conference committee report on Engrossed SB 2150 as printed on HJ page 922 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2150, as amended, was placed on the Fourteenth order.

### SECOND READING OF SENATE BILL

**SB 2150:** A BILL for an Act to create and enact two new sections to chapter 39-06.2 of the North Dakota Century Code, relating to furnishing driving record information and to records of imminent hazard disqualification of commercial drivers; and to amend and reenact subsection 67 of section 39-01-01 and sections 39-06.2-02 and 39-06.2-10 of the North Dakota Century Code, relating to definitions and disqualification of commercial motor vehicle operators.

### 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 82 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Amerman; Bellew; Belter; Delzer; Devlin; Froelich; Grosz; Kerzman; Niemeier; Ruby; Severson

**ABSENT AND NOT VOTING:** Sitte

Engrossed SB 2150, as amended, passed and the title was agreed to.

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### REPORT OF CONFERENCE COMMITTEE

**HB 1009, as engrossed:** Your conference committee (Sens. Schobinger, Christmann, Tallackson and Reps. Martinson, Monson, Aarsvold) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1321 and place HB 1009 on the Seventh order.

Engrossed HB 1009 was placed on the Seventh order of business on the calendar.

### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. MONSON MOVED** that the conference committee report on Engrossed HB 1009 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1009, as amended, was placed on the Eleventh order.

### SECOND READING OF HOUSE BILL

**HB 1009:** A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association; and to amend and reenact section 4-02.1-05 of the North Dakota Century Code, relating to the compensation of state fair board members

### 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner;

Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser;  
Speaker Wentz

**ABSENT AND NOT VOTING:** Sitte

Engrossed HB 1009, as amended, passed and the title was agreed to.

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**MOTION**

**REP. BERG MOVED** that HB 1050 be placed at the bottom of the calendar, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1264, as engrossed:** Your conference committee (Sens. Klein, Mutch, Heitkamp and Reps. Kasper, Froseth, Boe) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1189, adopt amendments as follows, and place HB 1264 on the Seventh order:

That the Senate recede from its amendments as printed on page 1189 of the House Journal and page 1045 of the Senate Journal and that Engrossed House Bill No. 1264 be amended as follows:

Page 1, line 14, remove "a"

Page 1, line 15, replace "licensee to the owners of the licensee who were owners as of January 1," with "business entity licensed as an insurance producer for crop insurance between August 1, 2001, and December 31, 2002."

Page 1, remove line 16

Page 1, line 23, replace "twenty-five" with "thirty-five"

Renumber accordingly

Engrossed HB 1264 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KASPER MOVED** that the conference committee report on Engrossed HB 1264 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1264, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1264:** A BILL for an Act to create and enact a new section to chapter 26.1-26 of the North Dakota Century Code, relating to a controlled insurance business.

**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 83 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Severson; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Aarsvold; Boe; Boucher; Brusegaard; Froelich; Kerzman; Schmidt; Solberg; Uglem; Winrich

**ABSENT AND NOT VOTING:** Sitte

Engrossed HB 1264, as amended, passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WEISZ MOVED** that the conference committee report on Engrossed HB 1372 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1372, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1372:** A BILL for an Act to amend and reenact section 49-11-19 of the North Dakota Century Code, relating to obstructing a crossing by a train; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Belter; Delzer; Froelich; Kerzman; Pollert

**ABSENT AND NOT VOTING:** Sitte

Engrossed HB 1372, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1397, as reengrossed:** Your conference committee (Sens. Mutch, Krebsbach, Every and Reps. Hawken, Williams, Norland) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 953, adopt amendments as follows, and place HB 1397 on the Seventh order:

That the Senate recede from its amendments as printed on page 953 of the House Journal and page 755 of the Senate Journal and that Reengrossed House Bill No. 1397 be amended as follows:

Page 1, line 9, replace "but may not advertise to the general public its willingness" with "provided any person that wishes to enter a contract with the board under this section first demonstrates to the satisfaction of the board that there are no private entities able and willing"

Page 1, line 11, replace "Before the" with "The" and replace "enters a contract as provided under" with "may not advertise to the general public its willingness to provide meals, snacks, or other food services for persons or programs not affiliated with the district."

Page 1, remove lines 12 and 13

Renumber accordingly

Reengrossed HB 1397 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. HAWKEN MOVED** that the conference committee report on Engrossed HB 1397 as printed on HJ page 953 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1397, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1397:** A BILL for an Act to create and enact a new section to chapter 15.1-35 of the North Dakota Century Code, relating to contracts for the preparation and provision of meals.

**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 90 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunsford; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Wanke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**NAYS:** Ruby; Skarphol; Wrangham

**ABSENT AND NOT VOTING:** Sitte

Reengrossed HB 1397, as amended, passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. GRANDE MOVED** that the conference committee report on Engrossed HCR 3037 be adopted, which motion prevailed on a voice vote.

Engrossed HCR 3037, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3037:** A concurrent resolution directing the Legislative Council to study the needs of individuals with mental illness, drug and alcohol addictions, and physical or developmental disabilities, including individuals with multiple needs, and how the state responds to those needs; the long-term plans for the State Hospital, the Developmental Center at Westwood Park, Grafton, state and county correctional facilities, and other state facilities and the relationships among those facilities; the impact and availability of community services; the state's criminal justice process from arrest to release; alternatives to incarceration; and the effectiveness of incarceration and treatment.

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

Engrossed HCR 3037, as amended, passed on a voice vote.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2148, as engrossed:** Your conference committee (Sens. Trenbeath, Lyson, Polovitz and Reps. Bernstein, Wrangham, Onstad) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 863-864 and place SB 2148 on the Seventh order.

Engrossed SB 2148 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BERNSTEIN MOVED** that the conference committee report on SB 2148 be adopted, which motion prevailed on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2363, as engrossed:** Your conference committee (Sens. Lyson, Traynor, Heitkamp and Reps. DeKrey, Porter, Hanson) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1059-1059 and place SB 2363 on the Seventh order.

Engrossed SB 2363 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. DEKREY MOVED** that the conference committee report on SB 2363 be adopted, which motion prevailed on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2188:** Your conference committee (Sens. Brown, J. Lee, Polovitz and Reps. Price, Pietsch, Sandvig) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1006-1007 and place SB 2188 on the Seventh order.

SB 2188 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PRICE MOVED** that the conference committee report on SB 2188 be adopted, which motion prevailed on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2235, as engrossed:** Your conference committee (Sens. Klein, Mutch, Every and Reps. Kasper, M. Klein, Ekstrom) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 906-908 and place SB 2235 on the Seventh order.

Engrossed SB 2235 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KASPER MOVED** that the conference committee report on SB 2235 be adopted, which motion prevailed on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2384:** Your conference committee (Sens. Espegard, Klein, Every and Reps. M. Klein, N. Johnson, Thorpe) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 659-660 and place SB 2384 on the Seventh order.

SB 2384 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. M. KLEIN MOVED** that the conference committee report on SB 2384 be adopted, which motion prevailed on a voice vote.

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

**MR. PRESIDENT:** The House has adopted the conference committee reports on SB 2148, SB 2188, SB 2235, SB 2363, and SB 2384.

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

**MR. PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2012:** Reps. Delzer; Warnke; Kerzman

**SB 2013:** Reps. Monson; Martinson; Aarsvold

**SB 2335:** Reps. Skarphol; Carlisle; Gulleeson

**SB 2416:** Reps. Kempenich; Brusegaard; Warner

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

**MR. PRESIDENT:** The House accedes to the Senate request for the return of: SB 2190.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2149, SB 2150.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1009, HB 1264, HB 1372, HB 1397, HCR 3037.

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1051, HB 1088, HB 1112, HB 1123.

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1003:** Sens. Holmberg; Kringstad; Robinson

**HB 1015:** Sens. Schobinger; Kringstad; Lindaas

**HB 1016:** Sens. Kringstad; Christmann; Krauter

**HB 1022:** Sens. Schobinger; Christmann; Robinson

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

**MR. SPEAKER:** The Senate respectfully requests the return of: SB 2190.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report: HB 1037, HB 1086, HB 1092, HB 1116, HB 1190, HB 1461, HB 1486.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1269, HB 1391.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1079, HB 1197, HB 1218, HB 1223, HB 1236, HB 1255, HB 1291, HB 1292, HB 1309, HB 1414, HB 1425.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1469.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2249.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2010, SB 2029, SB 2083, SB 2135.

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

**MR. SPEAKER:** The President has signed: HB 1006, HB 1008, HB 1014, HB 1043, HB 1051, HB 1088, HB 1112, HB 1123, HB 1438, HB 1504, HCR 3078, HCR 3079.

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

**MR. SPEAKER:** The President has signed: HCR 3040.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2018, SB 2023, SB 2024, SB 2025, SB 2045, SB 2086, SB 2160, SB 2255, SB 2282, SB 2334.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on April 14, 2003: HCR 3040.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1047, as engrossed:** Your conference committee (Sens. Trenbeath, Espegard, Taylor and Reps. Ruby, Headland, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1188-1189, adopt amendments as follows, and place HB 1047 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1188 and 1189 of the House Journal and page 909 and 910 of the Senate Journal and that Engrossed House Bill No. 1047 be amended as follows:

Page 1, line 1, replace the first comma with "and", after the second comma insert "paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10, and sections", and after the fourth comma insert "39-09-02,"

Page 1, line 2, remove "the fees for"

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

Page 2, line 15, remove the overstrike over "subsections", after the first overstruck comma insert "10 and", remove the overstrike over "44", and remove "subsection 10"

Page 2, line 29, replace "5/each" with "30 plus \$5/each" and after "over" insert "10 mph over"

Page 4, line 6, after "44-" insert "10", remove the overstrike over "~~On a highway on which the speed limit is posted in excess of~~", after "~~seventy~~" insert "sixty-five", and remove the overstrike over "~~miles~~"



Page 4, line 7, remove the overstrike over the overstruck left bracket, after "~~112.65~~" insert "104.61", and remove the overstrike over "~~kilometers] an hour, for a violation of section 39-09-02, or equivalent~~"

Page 4, line 8, remove the overstrike over "~~ordinance, a fee~~"

Page 4, after line 18, insert:

"of five dollars for each mile per hour over the limit."

Page 4, line 19, replace "10." with "11."

Page 4, after line 29, insert:

**"SECTION 3. AMENDMENT.** Paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- (33) On a highway on which the speed limit is posted in excess of ~~seventy six~~ sixty-five miles [~~112.65~~ 104.61 kilometers] an hour, operating a motor vehicle in excess of the speed limit in violation of section 39-09-02, or equivalent ordinance

Miles per hour over lawful speed limit	Points
1 - 5	0
6 - 10	1
11 - 15	<u>2</u> <del>3</del>
16 - 20	5
21 - 25	7
26 - 30	10
31 - 35	12
36 +	15"

Page 6, after line 12, insert:

**"SECTION 6. AMENDMENT.** Section 39-09-02 of the North Dakota Century Code as amended in section 1 of House Bill No. 1046, as approved by the fifty-eighth legislative assembly, is amended and reenacted as follows:

**39-09-02. Speed limitations.**

1. Subject to the provisions of section 39-09-01 and except in those instances where a lower speed is specified in this chapter, it presumably is lawful for the driver of a vehicle to drive the same at a speed not exceeding:
  - a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last two hundred feet [60.96 meters] of the driver's approach to such crossing, the driver does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet [121.92 meters] in each direction from such crossing.
  - b. Twenty miles [32.19 kilometers] an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours, unless a lower speed is designated or posted by local authorities.
  - c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] and in traversing an intersection of highways when the driver's view is obstructed. A driver's view is deemed to be

obstructed when at any time during the last fifty feet [15.24 meters] of the driver's approach to such intersection, the driver does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet [60.96 meters] from such intersection.

- d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet [30.48 meters].
  - e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district or in a residence district or in a public park, unless a different speed is designated and posted by local authorities.
  - f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface highways, and on paved two-lane county and township highways if there is no speed limit posted, unless otherwise permitted, restricted, or required by conditions.
  - g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways ~~and on paved and divided multilane highways if posted for that speed~~, unless otherwise permitted, restricted, or required by conditions.
  - h. Seventy miles [112.65 kilometers] an hour on ~~access-controlled, paved and divided, multilane interstate~~ highways, unless otherwise permitted, restricted, or required by conditions.
  - i. Seventy-five miles [120.70 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions.
2. The director may designate and post special areas of state highways where lower speed limits apply.
  3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.
  4. In charging a violation of the provisions of this section, the complaint must specify the speed at which the defendant is alleged to have driven and the speed which this section prescribes is prima facie lawful at the time and place of the alleged offense."

Page 7, after line 30, insert:

**"SECTION 9. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1047 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1179, as engrossed:** Your conference committee (Sens. Klein, Espgaard, Every and Reps. Severson, Kasper, Ekstrom) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1142, adopt amendments as follows, and place HB 1179 on the Seventh order:

That the Senate recede from its amendments as printed on page 1142 of the House Journal and page 984 of the Senate Journal and that Engrossed House Bill No. 1179 be amended as follows:

Page 1, line 19, replace "must" with "may"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 6

Renumber accordingly

Engrossed HB 1179 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1340, as engrossed:** Your conference committee (Sens. Lyson, Traynor, Every and Reps. Drovdal, Nottestad, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1107, adopt amendments as follows, and place HB 1340 on the Seventh order:

That the Senate recede from its amendments as printed on page 1107 of the House Journal and pages 963 and 964 of the Senate Journal and that Engrossed House Bill No. 1340 be amended as follows:

Page 1, line 1, after "provide" insert "for the development and enforcement of wind turbine reclamation standards by the public service commission and"

Page 1, after line 2, insert:

**"SECTION 1. Wind turbine reclamation standards - Public service commission duties - Compliance requirements.** The public service commission shall define land reclamation standards for reclaiming leased abandoned wind turbine sites in the state. The commission shall begin the process of defining the standards by January 1, 2004, and must complete the process before July 1, 2004. After July 1, 2004, a wind turbine operator may not begin construction of a leased site for a wind turbine operation until the operator files with the public service commission information disclosing the size, location, and interconnection plans of the turbine and has complied with other requirements as imposed by the commission."

Renumber accordingly

Engrossed HB 1340 was placed on the Seventh order of business on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2285, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (20 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2285 was placed on the Fourteenth order on the calendar.

#### MOTION

**REP. MONSON MOVED** that the absent member be excused, which motion prevailed.

#### MOTION

**REP. MONSON MOVED** that the House be on the Fifth, Seventh, Ninth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Tuesday, April 15, 2003, which motion prevailed.

The House stood adjourned pursuant to Representative Monson's motion.

**BRADLEY C. FAY, Chief Clerk**

