

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

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Bismarck, March 14, 2005

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

The prayer was offered by Pastor Tim Jenks, Bethel Lutheran, Bismarck.

The roll was called and all members were present except Senators Krauter, Tollefson, and Triplett.

A quorum was declared by the President.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 14, 2005, I have signed the following: SB 2062, SB 2064, SB 2065, SB 2066, SB 2109, SB 2155, SB 2166, SB 2180, SB 2189, SB 2199, and SB 2210.

CONSIDERATION OF AMENDMENTS

HB 1259, as reengrossed: SEN. HACKER (Judiciary Committee) MOVED that the amendments on SJ page 789 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1273, as engrossed: SEN. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 789 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1391, as engrossed: SEN. NELSON (Judiciary Committee) MOVED that the amendments on SJ pages 790-791 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1344, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that HB 1041, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1326: SEN. TRIPLETT (Political Subdivisions Committee) MOVED that the amendments on SJ page 790 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1434: SEN. TAYLOR (Education Committee) MOVED that the amendments on SJ pages 791-792 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1464, as engrossed: SEN. ERBELE (Agriculture Committee) MOVED that the amendments on SJ page 792 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1486, as engrossed: SEN. LYSON (Human Services Committee) MOVED that the amendments on SJ page 792 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3005, as engrossed: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ page 793 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1028: A BILL for an Act to amend and reenact section 52-02-07 of the North Dakota Century Code, relating to the establishment of an unemployment insurance advisory council.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Krauter; Tollefson

Engrossed HB 1028, as amended, passed and the title was agreed to.

REQUEST

SEN. STENEHJEM REQUESTED that the Senate stand at ease pending resolution of computer problems. which request was granted.

THE SENATE RECONVENED with President Dalrymple presiding.

REQUEST

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

Proclamation

**Honoring the Mandan High School Girl's Basketball Team
for Winning its Third Straight
Class A Basketball Championship**

It is an honor for me to stand and recognize the Mandan Braves Girl's Basketball Team which won its third straight North Dakota Class A Basketball Championship on Saturday, March 12, 2005. I am proud to honor both the team and the Mandan girl's basketball program. This year the Mandan Braves posted a record of 23 wins and 2 losses. In the championship game, Mandan avenged those two losses by beating Bismarck Century 48-35.

Mandan Coach Greg Amundson and the Mandan Girl's Basketball Team have been in nine out of the last ten state championship games, winning its fifth championship in the last six years. With this win, Mandan tied Fargo Shanley with the most girl's basketball championships (six), and tied Williston with the most consecutive championships (three).

Mandan Senior Rebecca Kielpinski, who helped Mandan win the three championships, averaged 15.4 points and 8 rebounds per game this year and was named North Dakota Miss Basketball.

District 34, the City of Mandan, and the State of North Dakota is very proud of the Mandan Girl's Basketball Team and their accomplishments. Congratulations to the Mandan Girl's Basketball Team on their back to back, and back again, State Championship!

SECOND READING OF HOUSE BILL

HB 1044: A BILL for an Act to amend and reenact sections 39-05-05, 39-05-16.1, 39-05-17, and 39-05-33 of the North Dakota Century Code, relating to the filing of liens on a motor vehicle; to repeal section 39-05-17.1 of the North Dakota Century Code, relating to the delivery of a certificate of title; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson;

Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Krauter; Tollefson

HB 1044 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1065: A BILL for an Act to provide for adoption of the midwest interstate passenger rail compact.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Krauter; Tollefson

HB 1065 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1103: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 16.1-11-06, subdivision a of subsection 2 of section 16.1-11-11, and subsection 1 of section 16.1-13-17 of the North Dakota Century Code, relating to nominating petitions and certificates of nomination filed by candidates and political parties.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Krauter; Tollefson

HB 1103 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1196: A BILL for an Act to create and enact a new section to chapter 39-29 of the North Dakota Century Code, relating to all-terrain vehicles registered as motorcycles; to amend and reenact sections 39-29-09 and 39-29-12 of the North Dakota Century Code, relating to the operation of all-terrain vehicles; 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 9 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Christmann; Erbele; Fischer; Heitkamp; Klein; O'Connell; Seymour; Stenehjerm; Taylor

NAYS: Andrist; Bercier; Bowman; Brown; Cook; Dever; Espegard; Every; Fairfield; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Robinson; Schobinger; Syverson; Tallackson; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Krauter; Tollefson

Engrossed HB 1196 lost.

SECOND READING OF HOUSE BILL

HB 1197: A BILL for an Act to amend and reenact section 11-23-05 of the North Dakota Century Code, relating to the deadline for county budget preparation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Krauter; Tollefson

HB 1197 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1221: A BILL for an Act to amend and reenact sections 40-40-06 and 40-40-09 of the North Dakota Century Code, relating to the final city budget deadline.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Krauter; Tollefson

HB 1221 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1229: A BILL for an Act to create and enact a new subsection to section 39-01-15 of the North Dakota Century Code, relating to mobility-impaired parking permits; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Krauter; Tollefson

Engrossed HB 1229 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1232: A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to stipends for student teachers.

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

YEAS: Andrist; Bercier; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Klein; Krebsbach; Kringstad; Lindaas; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Bowman; Brown; Holmberg; Kilzer; Lee, G.; Lee, J.; Lyson

ABSENT AND NOT VOTING: Krauter; Tollefson

HB 1232 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1245: A BILL for an Act to amend and reenact sections 39-12-01 and 39-12-03 and subsection 2 of section 39-12-05.3 of the North Dakota Century Code, relating to weight limitations.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Krauter; Tollefson

Engrossed HB 1245 lost.

SECOND READING OF HOUSE BILL

HB 1299: A BILL for an Act to amend and reenact section 39-09-02 of the North Dakota Century Code, relating to speed limitations.

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

YEAS: Erbele

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

ABSENT AND NOT VOTING: Krauter; Tollefson

HB 1299 lost.

SECOND READING OF HOUSE BILL

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

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 26 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espesgaard; Fischer; Flakoll; Freborg; Hacker; Kilzer; Klein; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Schobinger; Stenehjerm; Syverson; Thane; Traynor; Trenbeath; Urlacher

NAYS: Bercier; Every; Fairfield; Grindberg; Heitkamp; Holmberg; Krebsbach; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Seymour; Tallackson; Taylor; Triplett; Wardner; Warner

ABSENT AND NOT VOTING: Krauter; Tollefson

Engrossed HB 1364 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Krauter; Tollefson

HB 1427 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1448: A BILL for an Act to create and enact a new section to chapter 36-09 of the North Dakota Century Code, relating to animal identification program records.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Krauter; Tollefson

Engrossed HB 1448 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3024: A concurrent resolution urging the United States Secretary of Commerce to complete a Taiwan-United States free trade agreement.

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

Engrossed HCR 3024 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3031: A concurrent resolution directing the Legislative Council to study issues relating to tribal-state relations, including methods for encouraging greater tribal-state cooperation; the promotion of economic development on Indian reservations in the state; the identification and study of health care, child welfare services, social services, environmental protection, education, and law enforcement issues on the reservations; the identification and study of the social and fiscal impact of providing social services in counties within and adjacent to the reservations; and the identification and proposals for the resolution of the water issues affecting the state and the tribes.

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

HCR 3031, as amended, was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3033: A concurrent resolution urging Congress to remove wetland mitigation requirements from highway construction projects.

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

HCR 3033 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 unchanged: HB 1106, HB 1149, HB 1176, HB 1429, HB 1430, HB 1432, HCR 3010, HCR 3019.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1327.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1074, HB 1312, HB 1324, HB 1325.

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

MR. PRESIDENT: The House has amended and passed: SB 2125, SB 2232, SB 2298.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2125

In lieu of the amendments adopted by the House as printed on page 860 of the House Journal, Engrossed Senate Bill No. 2125 is amended as follows:

Page 1, line 9, after "sentence" insert ", less sentence reduction received under chapter 12-54.1" and replace "extend beyond" with "be extended"

Page 1, line 10, replace "from" with "beyond" and replace "when" with "that"

Page 1, line 17, replace "less" with "earlier"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2232

Page 3, line 7, after "fair" insert "market"

Page 8, line 4, after the underscored period insert "If the judgment is not collected within three years, the judgment expires."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2298

Page 1, line 5, remove "1."

Page 1, line 6, after "donation" insert "through the national marrow donor program. The department shall seek assistance from the national marrow donor program to establish a system to distribute materials, ensure that the materials are updated periodically, and address the education and recruitment of minority populations" and remove "The department shall implement a"

Page 1, remove lines 7 through 16

Page 1, line 18, remove "paid"

Page 1, line 22, remove "If there is a medical determination that the employee does not qualify as an"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 and 2

Renumber accordingly

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2248.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2248

Page 6, line 2, remove "applicant for a license, certificate, or registration in a"

Page 6, line 3, remove "health-related field or other"

Renumber accordingly

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 1057, HB 1159, HB 1179, HB 1194, HB 1213, HB 1240, HB 1268, HB 1278, HB 1336, HB 1506.

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 1048, HB 1112, HB 1113, HB 1142, HB 1198, HB 1202, HB 1233, HB 1260, HCR 3001, HCR 3022.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, March 15, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1055: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1055 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1069, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1069, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1073, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HB 1073 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1104: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1104 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "any" and insert immediately thereafter "the outermost", after "into" insert "the building or facility in which", and after "place" insert "is located"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1136: Transportation Committee (Sen. Trenbeath, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1136 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the second "and" and after "39-06.1-14" insert ", subsection 19 of section 39-06.2-02, and subsection 2 of section 39-06.2-10"

Page 1, line 3, replace "and" with a comma and after the second "license" insert ", definition of hazardous material, and disqualification of commercial driving privileges"

Page 2, after line 27, insert:

"SECTION 5. AMENDMENT. Subsection 19 of section 39-06.2-02 of the North Dakota Century Code is amended and reenacted as follows:

19. "~~Hazardous materials~~" ~~has the meaning as that found in section 103 of the Hazardous Materials Transportation Act [49 App. U.S.C. 1801 et seq.]~~ means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR part 73.

SECTION 6. AMENDMENT. Subsection 2 of section 39-06.2-10 of the North Dakota Century Code is amended and reenacted as follows:

2. A person is disqualified for life if convicted of two or more violations of any of the offenses specified in subsection 1, 7, 9, or 11, or any combination of those offenses, arising from two or more separate incidents. Only offenses committed after July 1, 1989, may be considered in applying this subsection."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1175, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1175 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1210: Transportation Committee (Sen. Trenbeath, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1210 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 39-16 of the North Dakota Century Code, relating to authority of a court to order confidentiality or removal of an entry in a driver record or abstract; and to"

Page 1, after line 3, insert:

"SECTION 1. A new section to chapter 39-16 of the North Dakota Century Code is created and enacted as follows:

Confidentiality or removal of entry of criminal offense by court order. A court may order that an entry be made in a driver record or abstract for a criminal offense reported to the director to be confidential or removed from the driver record or abstract. The order may be made only upon motion of the driver, with notice to the prosecuting attorney, and a finding by the court of good cause to support the relief requested."

Page 1, line 18, after "offense" insert ", other than by a holder of a commercial driver's license."

Page 1, line 19, replace "criminal record" with "entry" and replace "offense" with "entry"

Page 1, line 20, replace "criminal record" with "driver record or abstract"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1241, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (3 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1241 was placed on the Sixth order on the calendar.

Page 1, line 12, after the third comma insert "or"

Page 1, line 13, replace ", or other generally known condition allegedly caused by" with a period

Page 1, remove line 14

Page 2, line 1, remove "1."

Page 2, line 3, replace "a." with "1."

Page 2, line 5, replace "b." with "2."

Page 2, line 7, replace "c." with "3."

Page 2, remove lines 9 through 23

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1254, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1254 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1265, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1265 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1283, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1283 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1317, as engrossed and amended: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1317, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on page 711 of the Senate Journal, Engrossed Senate Bill No. 1317 is amended as follows:

Page 1, line 6, after "license" insert "including an archery and a muzzleloader license"

Page 1, line 10, after "deer" insert "gun"

Page 1, line 11, after "deer" insert "gun"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1342, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1342 was placed on the Sixth order on the calendar.

Page 1, line 3, after the first comma insert "39-29-12,"

Page 1, line 4, after "vehicles" insert "; and to provide a penalty"

Page 2, line 17, overstrike "a person" and insert immediately thereafter "an individual"

Page 3, line 6, overstrike "a person" and insert immediately thereafter "an individual"

Page 5, line 29, remove "The director may permit a political subdivision or a person acting under authority of"

Page 5, remove lines 30 and 31

Page 6, line 1, remove "4."

Page 6, line 4, remove the overstrike over "4." and remove "5."

Page 6, line 12, overstrike "A person" and insert immediately thereafter "Except in an emergency, an individual may not operate an off-highway vehicle on an interstate or United States highway."

2. An individual

Page 6, line 14, overstrike "Except in emergencies, a person may not operate an"

Page 6, line 15, remove "off-highway" and overstrike "vehicle within the right of way of any controlled-access"

Page 6, line 16, overstrike "highway" and insert immediately thereafter "An individual may operate a registered off-highway vehicle on the far right-hand side of a gravel, dirt, or loose surface roadway between the period of time of one-half hour before sunrise to one-half hour after sunset"

Page 6, line 17, overstrike "2." and insert immediately thereafter "3."

Page 6, line 28, overstrike "3. A person" and insert immediately thereafter "4. Unless an individual is operating a class 1 off-highway vehicle, an individual"

Page 7, line 4, overstrike "4." and insert immediately thereafter "5."

Page 7, line 8, overstrike "5. A person" and insert immediately thereafter "6. An individual"

Page 7, line 30, overstrike "6." and insert immediately thereafter "7." and overstrike "a person" and insert immediately thereafter "an individual"

Page 8, line 1, overstrike "7." and insert immediately thereafter "8."

Page 8, line 7, overstrike "8. A person" and insert immediately thereafter "9. An individual"

Page 8, line 11, overstrike "9." and insert immediately thereafter "10.", remove "A", and overstrike "person" and insert immediately thereafter "An individual"

Page 8, line 15, overstrike "10." and insert immediately thereafter "11."

Page 8, line 16, replace the underscored comma with "the vehicle" and replace "has a" with "is equipped and recommended by the manufacturer to carry a passenger and the passenger is carried as recommended by the manufacturer"

Page 8, line 17, remove "specific passenger seat with a back rest"

Page 8, line 18, replace "11." with "12." and remove "by this chapter"

Page 8, after line 20, insert:

"SECTION 12. AMENDMENT. Section 39-29-12 of the North Dakota Century Code is amended and reenacted as follows:

39-29-12. Penalties. Violation of subsection 1 of section 39-29-09 is an infraction. Violation of subsection 2 of section 39-29-09 is an infraction for which a fee of fifty dollars must be assessed. Violation of subdivision b, c, or g of subsection 5 of

section 39-29-09 is a class B misdemeanor. Violation of any other provision of section 39-29-09 is an infraction for which a fee of twenty dollars must be assessed. Violation of section 39-29-02 is an infraction, for which a fee of fifty dollars must be assessed. If the ~~person~~ individual provides proof of registration since the violation, the fee may be reduced by one-half. Violation of any other provision of this chapter is an infraction, for which a fee of ten dollars must be assessed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1360, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1360 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1374: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1374 was placed on the Sixth order on the calendar.

Page 1, line 11, after "programs" insert "and the state English language proficiency assessment"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1419: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1419 was placed on the Sixth order on the calendar.

Page 2, line 1, remove "upon payment of the fee"

Page 2, remove lines 2 and 3

Page 2, line 4, remove "in the previous year's lottery but who were unsuccessful in harvesting an elk"

Page 2, line 5, after "licenses" insert "in a timely manner"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1452, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1452 was placed on the Sixth order on the calendar.

Page 3, line 11, after "complete" insert "legal"

Page 4, line 12, after "complete" insert "legal"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1482, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1482 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1494, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1494 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1522, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1522 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3002: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3002 was placed on the Sixth order on the calendar.

Page 1, line 25, after "Office" insert "by certified mail with return receipt requested" and after "Delegation" insert "by first-class mail"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3013: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3013 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3025: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3025 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3026: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3026 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3027, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HCR 3027 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3041: A concurrent resolution directing the Legislative Council to study the interim study process, including the method by which topics are selected for study by the Legislative Council.

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

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

William R. Horton, Secretary

