

## JOURNAL OF THE SENATE

### Fifty-eighth Legislative Assembly

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**Bismarck, March 19, 2003**

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

The prayer was offered by Reverend Clyde Leimberer, The Baptist Home, Bismarck.

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

A quorum was declared by the President.

#### REPORT OF DELAYED BILLS COMMITTEE

**MR. PRESIDENT:** Your **Delayed Bills Committee (Sen. Cook, Chairman)** has cast a vote of 5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a bill for an Act to amend and reenact sections 11-19.1-03, 29-01-01, 37-01-01, 37-01-02, 37-01-03, 37-01-04, 37-01-04.1, 37-01-06, 37-01-07, 37-01-08, 37-01-09, 37-01-10, 37-01-10.1, 37-01-11, 37-01-12, 37-01-13, 37-01-14, 37-01-16, 37-01-19, 37-01-20, 37-01-21, 37-01-22, 37-01-23, 37-01-24, 37-01-25, 37-01-25.1, 37-01-26, 37-01-28, 37-01-30, 37-01-41, 37-02-01, 37-02-02, 37-02-04, 37-02-07, 37-03-03, 37-03-04, 37-03-05, 37-03-06, 37-03-07, 37-03-09, 37-03-11, 37-03-13, 37-04-01, 37-04-02, 37-04-03, 37-04-07, 37-04-08, 37-04-09, 37-04-11, 37-04-12, 37-04-13, 37-04-14, 37-04-15, 37-04-16, 37-04-17, 37-04-18, 37-07-01, 37-07-02, 37-07-03, 37-07-04, 37-07-05, 37-07-06, 37-08-01, 37-08-03, 37-08-04, 37-08-05, 37-11-01, 37-11-02, 37-12.1-02, and 37-12.1-03 of the North Dakota Century Code, relating to the militia and the national guard.

The bill will be SB 2420.

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate resolve itself into a Confirmation Session, which motion prevailed.

#### REPORT OF SELECT COMMITTEE

**MR. PRESIDENT:** Your **Select Committee (Sen. Flakoll, Chairman)** appointed to consider the nominations for the North Dakota State Board of Higher Education, do advise and consent to the nomination of Bruce Christianson.

**SEN. FLAKOLL MOVED** that the report be adopted.

#### ROLL CALL

The question being will the Senate "advise and consent to the nomination of Bruce Christianson to the North Dakota State Board of Higher Education", the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Bercier

The Senate advises and consents to the nomination of Bruce Christianson to the North Dakota State Board of Higher Education.

#### MOTION

**SEN. CHRISTMANN MOVED** that the Confirmation Session be dissolved, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1088, as reengrossed: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ pages 811-813 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1426, as engrossed: SEN. NICHOLS (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 814-815 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1435, as engrossed: SEN. TOLLEFSON (Natural Resources Committee) MOVED** that the amendments on SJ page 815 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1243, as engrossed: SEN. TRAYNOR (Appropriations Committee) MOVED** that the amendments on SJ page 796 be adopted with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended and Engrossed HB 1243 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1243:** A BILL for an Act to create and enact a new section to chapter 50-06, chapter 53-12, a new subsection to section 57-38-57, a new subsection to section 57-39.2-04, and a new subsection to section 57-39.2-23 of the North Dakota Century Code, relating to compulsive gambling prevention and treatment, the establishment of the North Dakota lottery, disclosure of confidential income and sales and use tax information, and to an exemption from sales tax; to amend and reenact subsection 2 of section 50-09-14 and subsection 2 of section 54-10-01 of the North Dakota Century Code, relating to setoffs of lottery prize payments for payment of child support and to the powers and duties of the state auditor; to provide a penalty; to provide a continuing appropriation; to provide for reimbursement of lottery expenses; and to declare an emergency.

**MOTION**

**SEN. MATHERN MOVED** that Engrossed HB 1243 be further amended as follows:

In addition to the amendments adopted by the Senate as printed on pages 711 and 712 and page 796 of the Senate Journal, Engrossed House Bill No. 1243 is further amended as follows:

Page 10, line 27, replace "two" with "four"

ReNUMBER accordingly

**REQUEST**

**SEN. MATHERN REQUESTED** a recorded roll call vote on the motion to adopt the proposed further amendments to Engrossed HB 1243, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the proposed further amendments to Engrossed HB 1243, the roll was called and there were 36 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Brown; Christenson; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Andrist; Christmann; Holmberg; Kilzer; Klein; Kringstad; Lyson; Mutch; Stenehjem; Syverson

**ABSENT AND NOT VOTING:** Bercier

The proposed further amendments to Engrossed HB 1243 were adopted.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Brown; Christmann; Cook; Dever; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz;

Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Andrist; Bowman; Christenson; Erbele

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

Engrossed HB 1243, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### VOTING INTENTION

**SEN. GRINDBERG REQUESTED** that the record show he intended to vote YEA on Engrossed HB 1243, as amended, which request was granted.

#### CONSIDERATION OF AMENDMENTS

**HCR 3061: SEN. TOLLEFSON (Finance and Taxation Committee) MOVED** that the amendments on SJ page 816 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1037:** A BILL for an Act to amend and reenact sections 50-12-01, 50-12-02, and 50-12-03, subsection 1 of section 50-12-03.2, subsection 3 of section 50-12-04, sections 50-12-06, 50-12-07, and 50-12-08, subsection 1 of section 50-12-10, and sections 50-12-12, 50-12-14.1, and 50-12-17 of the North Dakota Century Code, relating to licensure of child-placing agencies and registration of adoption placement facilitators; to repeal section 50-12-13 of the North Dakota Century Code, relating to child-placing agency licensure appeals; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1037, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1246:** A BILL for an Act to create and enact a new section to chapter 11-09.1 of the North Dakota Century Code, relating to enforcement of criminal violations by a home rule county; and to amend and reenact subsection 5 of section 11-09.1-05 and section 27-05-06 of the North Dakota Century Code, relating to powers of a home rule county and the jurisdiction of the district court.

#### 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 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Mutch; Stenehjerm; Trenbeath

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1246, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1321:** A BILL for an Act to create and enact a new section to chapter 6-09.7 of the North Dakota Century Code, relating to Bank of North Dakota agricultural real estate loan guarantees; and to provide an expiration date.

### 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 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Erbele; Mutch; Nichols

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1321, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1322:** A BILL for an Act to amend and reenact subsection 12 of section 39-06.1-06 of the North Dakota Century Code, relating to the fees for a violation of a highway construction zone speed limit.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Bercier

HB 1322 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1082:** A BILL for an Act to amend and reenact sections 34-06-03, 34-06-04, 34-06-14, 34-06-17, and 34-06-19 of the North Dakota Century Code, relating to authority of the labor commissioner to adopt rules on wages and working conditions for employment in this state; and to repeal sections 34-06-09, 34-06-10, 34-06-11, 34-06-12, and 34-06-13 of the North Dakota Century Code, relating to authority of the labor commissioner to issue orders on wages and working conditions for employment in this state.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1082 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1089:** A BILL for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to a probation officer taking a defendant into custody for treatment and rehabilitation in lieu of revocation of probation.

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

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

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1089 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1189:** A BILL for an Act to amend and reenact section 29-01-15 of the North Dakota Century Code, relating to the issuance of search warrants by municipal judges.

**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 14 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Fischer; Flakoll; Klein; Lee, J.; Mutch; Nething; Syverson; Taylor; Tollefson; Traynor; Urlacher; Wardner

**NAYS:** Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Kringstad; Lee, G.; Lindaas; Lyson; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Tallackson; Thane; Trenbeath

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1189 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1227:** A BILL for an Act to amend and reenact section 37-01-42 of the North Dakota Century Code, relating to honorary high school diplomas for Korean conflict veterans.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1227 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1235:** A BILL for an Act to amend and reenact sections 31-13-03, 31-13-05, and 31-13-07 of the North Dakota Century Code, relating to the law enforcement DNA data base.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Bercier

HB 1235 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1168:** A BILL for an Act to amend and reenact sections 44-06-04, 44-06-12, 44-06-13.1, 44-06-14, and 44-08-06 of the North Dakota Century Code, relating to notaries public and their seals and fees.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1168 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1239:** A BILL for an Act to amend and reenact section 53-06.1-01 and subsection 1 of section 53-06.1-06 of the North Dakota Century Code, relating to the selling of prize boards.

### 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 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Bowman; Christenson; Lee, G.; Mutch; Nething; Stenehjem

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1239 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1249:** A BILL for an Act to amend and reenact subsection 2 of section 50-11.1-07 and sections 50-11.1-07.2, 50-11.1-07.8, and 50-11.1-09 of the North Dakota Century Code, relating to early childhood services.

### 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 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Dever; Krauter

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1249 passed and the title was agreed to.

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### MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 2:15 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Dalrymple presiding.

### SECOND READING OF HOUSE BILL

**HB 1283:** A BILL for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to confidentiality of identifying information and prohibited acts by pharmacies and pharmacists.

### 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 5 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Christenson; Fairfield; Holmberg; Nelson; Tollefson

**NAYS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1283 lost.

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### SECOND READING OF HOUSE BILL

**HB 1292:** A BILL for an Act to amend and reenact sections 39-24-04 and 39-24-11 of the North Dakota Century Code, relating to a snowmobile access fee; to provide a penalty; to provide an appropriation; and to provide an effective date.

### 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 27 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Brown; Christenson; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, J.; Lindaas; Mathern; Nelson; Nething; Polovitz; Seymour; Tallackson; Taylor; Thane; Traynor; Trenbeath

**NAYS:** Andrist; Bowman; Christmann; Cook; Flakoll; Freborg; Krauter; Lee, G.; Lyson; Mutch; Nichols; O'Connell; Robinson; Schobinger; Stenehjem; Syverson; Tollefson; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Bercier

HB 1292, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1336:** A BILL for an Act to create and enact two new subsections to section 43-52-03 of the North Dakota Century Code, relating to exceptions to requirements for the practice of interpreting for the deaf and hard of hearing.

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

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

Engrossed HB 1336 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1370:** A BILL for an Act to provide for a legislative council study of workers' compensation premium calculations.

#### 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:** Schobinger

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

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

Engrossed HB 1370 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1498:** A BILL for an Act to create and enact sections 45-11-02.1, 45-11-10, 47-25-02.1, and 47-25-08 of the North Dakota Century Code, relating to electronic filing of partnership fictitious name certificates and electronic filing of trade name registrations with the secretary of state; and to amend and reenact sections 45-11-04.1, 45-11-08.1, 47-25-03, 47-25-04, and 47-25-06 of the North Dakota Century Code, relating to fictitious name certificates and trade name registrations.



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

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

HB 1498 passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that HCR 3025, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2419 be placed immediately after SB 2359 on the Twelfth order, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3028:** A concurrent resolution urging Congress to increase Medicare reimbursement for health care providers, to use an appropriate amount of the federal budget to equalize Medicare rates within North Dakota and within the nation, and to increase funding of the Medicare ambulance reimbursement fee schedule.

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

Engrossed HCR 3028 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3032:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of converting vacant public school buildings in rural areas into methamphetamine detoxification and treatment facilities.

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

HCR 3032 was declared adopted, and the title was agreed to on a voice vote.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do concur in the House amendments to SB 2220 as printed on SJ page 773, which motion prevailed on a voice vote.

SB 2220, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2220:** A BILL for an Act to amend and reenact sections 36-24-01 and 36-24-10 of the North Dakota Century Code, relating to poultry inspections.

**ROLL CALL**

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

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

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

Engrossed SB 2220 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do concur in the House amendments to SB 2268 as printed on SJ page 795, which motion prevailed on a voice vote.

SB 2268, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2268:** A BILL for an Act to prohibit the fraudulent use of retail sales receipts and universal product code labels; and to provide a penalty.

**ROLL CALL**

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

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

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

Engrossed SB 2268 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2359 as printed on SJ page 774, which motion prevailed on a voice vote.

Engrossed SB 2359, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2359:** A BILL for an Act to provide for the designation of a regional human service center for program supervision in cases of multicounty program administration.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Fairfield

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

Reengrossed SB 2359 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FISCHER MOVED** that the Senate do concur in the House amendments to SB 2419 as printed on SJ page 774, which motion prevailed on a voice vote.

SB 2419, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2419:** A BILL for an Act to amend and reenact subsection 5 of section 61-28-02, subsections 1 and 3 of section 61-28-06, section 61-28-07, and subsection 5 of section 61-28-08 of the North Dakota Century Code, relating to penalties for violating injunctive

orders preventing Clean Water Act violations, to clarify the state's authority to seek injunctive relief against governmental entities that violate water quality standards of the state, and authority of the state to protect water quality from degradation; to provide a penalty; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

Engrossed SB 2419 passed, the title was agreed to, and the emergency clause was declared carried.

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#### MOTION

**SEN. CHRISTMANN MOVED** that Engrossed SB 2419 be messaged to the House immediately, which motion prevailed.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 19, 2003: SB 2038, SB 2046, SB 2077, SB 2080, SB 2104, SB 2112, SB 2115, SB 2134, SB 2139, SB 2143, SB 2146, SB 2162, SB 2176, SB 2178, SB 2183, SB 2184, SB 2213, SB 2218, SB 2224, SB 2229, SB 2266, SB 2341, SB 2367, SB 2400.

#### COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 19, 2003, I have signed the following: SB 2038, SB 2077, SB 2080, SB 2104, SB 2112, SB 2115, SB 2139, SB 2143, SB 2146, SB 2162, SB 2176, SB 2178, SB 2183, SB 2213, SB 2218, SB 2229, SB 2266, SB 2367, and SB 2400.

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

**MR. SPEAKER:** The President has signed: HB 1046, HB 1081, HB 1093, HB 1100, HB 1143, HB 1145, HB 1270, HB 1276, HB 1355, HCR 3077.

#### 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 2053, SB 2063, SB 2084, SB 2107, SB 2109, SB 2138, SB 2156, SB 2169, SB 2177, SB 2185, SB 2204, SB 2214, SB 2231, SB 2238, SB 2267, SB 2269, SB 2272, SB 2280, SB 2287, SB 2318, SB 2332, SB 2383, SB 2388, SCR 4020, SCR 4025, SCR 4035.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2053, SB 2063, SB 2084, SB 2107, SB 2109, SB 2138, SB 2156, SB 2169, SB 2177, SB 2185, SB 2204, SB 2214, SB 2231, SB 2238, SB 2267, SB 2269, SB 2272, SB 2280, SB 2287, SB 2318, SB 2332, SB 2383, SB 2388.

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

**MR. PRESIDENT:** The Speaker has signed: SCR 4020, SCR 4025, SCR 4035.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on March 19, 2003: SCR 4020, SCR 4025, SCR 4035.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2068, SB 2180, and SB 2252.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2419.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1056, HB 1062, HB 1195, HB 1277, HB 1382, HB 1410, HCR 3015, HCR 3060, HCR 3073.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1215.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1112, HB 1388.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass: HB 1305, HB 1411.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1065, HB 1070, HB 1102, HB 1106, HB 1108, HB 1115, HB 1139, and HB 1142.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1148, HB 1186, HB 1279, HB 1343, HB 1348, HB 1362, HB 1378, and HB 1400.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1443 and HB 1503.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SCR 4019.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SB 2070, SB 2157, SB 2191, SB 2207, SB 2258, SB 2271, SB 2277, SB 2278, SB 2298, SB 2342, SB 2344, SB 2362, SB 2393.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2212.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2242, SB 2251, SB 2320, SB 2330, SB 2340, SB 2415.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2242**

Page 1, line 2, after "nonresidents" insert "; and to provide an expiration date"

Page 1, line 20, after "hunting" insert "in Richland and Sargent Counties" and after the underscored period insert:

"**SECTION 2. EXPIRATION DATE.** This Act is effective through December 31, 2007, and after that date is ineffective."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2251**

Page 3, line 29, replace "or have" with ", nor may", after "action" insert "be brought", and after "them" insert a comma

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2320**

Page 1, line 8, remove the overstrike over "city,"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2330**

Page 1, line 2, replace "services medical assistance waivers" with "living"

Page 1, line 4, replace "**services medical assistance waivers**" with "living"

Page 1, line 5, after "Any" insert "aged or disabled", remove "a", and replace "service" with "living"

Page 1, line 6, remove "medical assistance waiver for the aged and disabled"

Page 1, line 7, replace "The" with "To the extent permitted by any applicable waiver, the"

Page 1, line 9, after "selects" insert ", not to exceed the cost of the service"

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2340

Page 1, line 12, replace "The legislative council, in publishing and maintaining state laws, may not alter the" with "In arranging the laws for publication and in publishing and maintaining the laws, the legislative council may change statutory references to numbers and"

Page 1, remove line 13

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2415

Page 1, line 6, overstrike "Any" and insert immediately thereafter "A" and overstrike "who"

Page 1, line 7, overstrike "dispenses" and insert immediately thereafter "may not dispense", overstrike "permits" and insert immediately thereafter "permit", and after "on" insert "a"

Page 1, line 11, after "Eve" insert ". In addition, a person may not provide off-sale after one a.m. on Thanksgiving Day. A person that violates this section"

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 2299.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2299

Page 4, line 13, replace "committee" with "subcommittee"

Renumber accordingly

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

**MR. PRESIDENT:** The House has failed to pass: SB 2315, SB 2349.

#### MOTION

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

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Seventh, and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, March 20, 2003, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1101, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1101 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1197, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1197, as amended, was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1213: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1213 was placed on the Sixth order on the calendar.

Page 1, line 3, after "court" insert "supervisors and probation"

Page 1, line 7, after "court" insert "supervisors and probation"

Page 1, line 9, after "court" insert "supervisor or probation"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1218, as engrossed: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1218 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "lessees" with "owners"

Page 1, line 8, overstrike "a"

Page 1, line 9, overstrike "lessee owning" and insert immediately thereafter "the owner of"

Page 1, line 10, overstrike "lessee's" and insert immediately thereafter "owner's"

Page 1, line 12, overstrike "lessee" and insert immediately thereafter "owner" and remove the overstrike over "~~The~~" and insert immediately thereafter "recovery of a risk penalty is as follows:"

a."

Page 1, line 13, replace "lessee's" with "owner's"

Page 1, line 15, overstrike "lessee's" and insert immediately thereafter "owner's"

Page 1, line 18, overstrike "No risk penalty may be assessed against an unleased"

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

"b. If the nonparticipating owner's interest in the spacing unit is not subject to a lease or other contract for development, the risk penalty is fifty percent of the nonparticipating owner's share of the reasonable actual costs of drilling and completing the well and may be recovered only out of production from the pooled spacing unit as provided by section 38-08-10, exclusive of any royalty provided for in subsection 1.

c. The owner paying for the nonparticipating owner's share of the drilling and operation of a well may recover from the nonparticipating owner a risk penalty for the risk involved in drilling and completing the well only if the paying owner has made an unsuccessful, good-faith attempt to have the unleased nonparticipating owner execute a lease or to have the leased nonparticipating owner join in and participate in the risk and cost of drilling the well"

Page 2, line 5, overstrike "lessees" and insert immediately thereafter "owners"

Page 2, line 7, replace "lessee" with "owner"

Page 2, line 8, replace "lessee" with "owner"

Page 2, line 9, replace "If the nonparticipating lessee's" with "The recovery of the risk penalty is as follows:"

a. If the nonparticipating owner's"

Page 2, line 11, replace "lessee's" with "owner's"

Page 2, after line 13, insert:

"b. If the nonparticipating owner's interest in the unit is not subject to a lease or other contract for development, the penalty is fifty percent of the nonparticipating owner's share of the unit expense and may be recovered only out of production from the unit exclusive of any royalty provided for in section 38-08-09.13.

c. The owner paying for the nonparticipating owner's share of the unit expense may recover from the nonparticipating owner a risk penalty for the risk involved in the unit expense only if the paying owner has made an unsuccessful good-faith attempt to have the unleased

nonparticipating owner execute a lease or to have the leased nonparticipating owner join in and participate in the risk of the unit expense."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1219, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1219 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1237, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1237 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1251: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1251 was placed on the Sixth order on the calendar.

Page 2, line 1, remove "against a person convicted"

Page 2, line 2, remove "under this section" and remove "compensatory"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1268, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1268 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3020: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3020 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3052: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3052 was placed on the Fourteenth order on the calendar.

**FIRST READING OF SENATE BILL**

Sen. Cook introduced:

(Approved by the Delayed Bills Committee)

**SB 2420:** A BILL for an Act to amend and reenact sections 11-19.1-03, 29-01-01, 37-01-01, 37-01-02, 37-01-03, 37-01-04, 37-01-04.1, 37-01-06, 37-01-07, 37-01-08, 37-01-09, 37-01-10, 37-01-10.1, 37-01-11, 37-01-12, 37-01-13, 37-01-14, 37-01-16, 37-01-19, 37-01-20, 37-01-21, 37-01-22, 37-01-23, 37-01-24, 37-01-25, 37-01-25.1, 37-01-26, 37-01-28, 37-01-30, 37-01-41, 37-02-01, 37-02-02, 37-02-04, 37-02-07, 37-03-03, 37-03-04, 37-03-05, 37-03-06, 37-03-07, 37-03-09, 37-03-11, 37-03-13, 37-04-01, 37-04-02, 37-04-03, 37-04-07, 37-04-08, 37-04-09, 37-04-11, 37-04-12, 37-04-13, 37-04-14, 37-04-15, 37-04-16, 37-04-17, 37-04-18, 37-07-01, 37-07-02, 37-07-03, 37-07-04, 37-07-05, 37-07-06, 37-08-01, 37-08-03, 37-08-04, 37-08-05, 37-11-01, 37-11-02, 37-12.1-02, and 37-12.1-03 of the North Dakota Century Code, relating to the militia and the national guard.

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**

