

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, March 10, 1997

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

The prayer was offered by Pastor Philip Larsen, Zion - South Trinity Lutheran Parish, Hoople and Grafton.

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

A quorum was declared by the President.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4056.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1154, HB 1225, HB 1237, HB 1255, HB 1265, HB 1299, HB 1315, HB 1349, HB 1424, HB 1466, HB 1470, HCR 3030, HCR 3032, HCR 3033, HCR 3037.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has failed to pass: HB 1383.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1079, HB 1098, HB 1146, HB 1160, HB 1161, HB 1167, HB 1169, HB 1223, HB 1234, HB 1238, HB 1323, HB 1357, HB 1371, HB 1384, HB 1387, HB 1428.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2105, SB 2109, SB 2134, SB 2137, SB 2151, SB 2158, SB 2165, SB 2171, SB 2187, SB 2220, SB 2269, SB 2287, SB 2312, SB 2317, SB 2383, SCR 4003, SCR 4036.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has failed to pass: SB 2176.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2106.

HOUSE AMENDMENTS TO SENATE BILL NO. 2106

Page 1, line 9, replace "cost" with "additional fee"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and failed to pass: SB 2185, SB 2215.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2073, SB 2110, SB 2125, SB 2143, SCR 4008.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed: HB 1049, HB 1276, HB 1336, HB 1392, HCR 3002.

MOTION

SEN. GOETZ MOVED that the Senate resolve itself into a Memorial Service, which motion prevailed.

SENATE MEMORIAL SERVICE**SENATE MEMORIAL COMMITTEE**

Senator Darlene Watne, Chairman
 Senator Edroy "Ed" Kringstad, Senator Carolyn Nelson

PROGRAM**Invocation**

Rev. Phil Larsen
 Zion - South Trinity Lutheran, Hoople

Musical Selection

"Meditation on the Cross" Arranged by Linda McKechnie
 Celebration

First United Methodist Church, Fargo
 Senator Carolyn Nelson, Director

Lori Baumann
 Marcia Coyner
 Tammy Curfman
 Melissa Crothers

Fran Hamby
 Sally Harmon (keyboard)
 Mary Kinzler
 Tammy Olson

Jill Post
 Shannon Post
 Sara Scott
 Teresa Sonsthagen

First and Second Reading of the Memorial Resolution

William C. Parker, Secretary of the Senate

Introduction of Guests

President Rosemarie Myrdal

Musical Selection

"Spirit in the Wind" Composed by Lee Afdahl

Memorial Address

C. Warner Litten
 Former State Senator

Musical Selection

"Amazing Grace" Arranged by Linda McKechnie

Benediction

Rev. Phil Larsen

DECEASED MEMBERS

L.D. "Lee" Christensen	Ernest C. Livingston
LeRoy Erickson	Catherine "Kit" Scherber
J.L. "Mike" Flatt	Harry Semerad
H. Kent Jones	Gilman Strand
Earl M. Kelly	George Unruh

MOTION

SEN. G. NELSON MOVED that the Senate be on the Ninth order of business for the first reading of SMR 8001, which motion prevailed.

FIRST READING OF SENATE MEMORIAL RESOLUTION

Memorial Resolutions Committee introduced:

SMR 8001: A memorial resolution for deceased members of the Senate of North Dakota.
 Was read the first time.

MOTION

SEN. WATNE MOVED that the rules be suspended, that SMR 8001 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and be placed on the calendar for immediate second reading and final passage, which motion prevailed.

Memorial Resolutions Committee introduced:

SENATE MEMORIAL RESOLUTION NO. 8001

A memorial resolution for deceased members of the Senate of North Dakota.

WHEREAS, God has summoned to eternal rest our former colleagues:

L. D. "Lee" Christensen, who served in the 40th through the 44th Legislative Assemblies, from District 3, died November 9, 1996;

LeRoy Erickson, who served in the 47th and 48th Legislative Assemblies, from District 26, died January 14, 1997;

J. L. "Mike" Flatt, who served in the 26th through the 31st Legislative Assemblies, from District 14, died April 21, 1995;

H. Kent Jones, who served in the 42nd through the 46th Legislative Assemblies, from District 15, died December 17, 1995;

Earl M. Kelly, who served in the 39th Legislative Assembly, from District 15, and in the 40th, 49th, and 50th Legislative Assemblies, from District 24, died April 19, 1996;

Ernest C. Livingston, who served in the 33rd through the 36th Legislative Assemblies, from District 29, died July 26, 1995;

Catherine "Kit" Scherber, who served in the 53rd and 54th Legislative Assemblies, from District 44, died November 12, 1995;

Harry Semerad, who served in the 28th and 29th Legislative Assemblies, from District 48, died April 21, 1995;

Gilman Strand, who served in the 43rd through the 46th Legislative Assemblies, from District 20, died June 8, 1996;

George Unruh, who served in the 41st and 42nd Legislative Assemblies, from District 18, died January 4, 1997; and

WHEREAS, we now pause to mourn the passing of our former Senate colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA:

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the Senate and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased senators.

SECOND READING OF SENATE MEMORIAL RESOLUTION

SMR 8001: A memorial resolution for deceased members of the Senate of North Dakota.

The question being on the final adoption of the resolution, which has been read.

SMR 8001 was declared adopted on a voice vote, and the title was agreed to.

REQUEST

SEN. GRINDBERG REQUESTED that the Memorial Address by former Senator C. Warner Litten and the Invocation and Benediction by Pastor Philip Larsen be printed in the Journal, which request was granted.

INVOCATION BY PASTOR PHILIP LARSEN

Let us pray. We gather as we live in the name of the Father and the Son and the Holy Spirit. In your Word Gracious God, we read: Blessed be the God and Father of our Lord Jesus Christ, the Father of mercies and the God of all consolation, He comforts us in all our sorrows, so that we may comfort others in their sorrows with the consolation we ourselves have received from God. Lord, we ask you to comfort those who grieve the loss of loved ones, and surround them in your arms of love. We pray in the name of Christ our Lord. Amen.

MEMORIAL ADDRESS BY C. WARNER LITTEN

Madam President, Honorable Senators, families and friends who are present here today to honor the memories of our ten recently departed former members of the North Dakota State Senate:

I am privileged to speak briefly not only on behalf of this distinguished legislative body, but also for the citizens of North Dakota to say "thank you" to an unselfish, dedicated, highly principled group of legislators for whom we and their constituents have the greatest admiration and respect.

Individually and collectively their records reveal that they served this state with distinction with the result that they reflected great credit, not only upon themselves, but also upon their families and the people they represented.

Their attainments and accomplishments exemplify the very spirit of volunteerism and the very spirit of North Dakota.

Do you remember the famous statement made by a North Dakota rancher, the 26th President of the United States, Theodore Roosevelt? It was he who said:

"Every person must devote a reasonable share of time to doing his duty in the political life of his community. If you are too timid, or too fastidious, or too careless, to do your part in the work, then you forfeit your right to be considered one of the governing and you become one of the governed instead---one of the driven cattle of the political arena."

Theodore Roosevelt also stated at one time, "Every person is, first, a citizen of some community."

He was right - and we should understand that there is a seat at the community and legislative planning table for any one of us who is inclined to take it. Our ten senators were more respected, more admired, and more understood because they took those seats at the table.

History reflects that the dedication, desire, and determination of our leadership in the past has been excellent, and we should understand today that a grateful state is thankful for the good work that has been done in an effort to improve the lives of all of us.

Peter Ubberoth was the commissioner of baseball and, as you recall, was the general chairman of the Summer Olympics held in Los Angeles, California, in 1984. At a meeting of the American Hospital Association in Toronto in 1986, he was quoted as saying, "Volunteerism is the backbone of America."

He should know because during those Olympics he recruited more than 200,000 volunteers with the result that the millions of dollars of net profit from the event, the greatest in Olympic history, were distributed to a number of needy charities throughout the United States.

Peter Ubberoth is right, of course, and we can state here today that, "Volunteerism is the backbone of the state of North Dakota."

Unfortunately, we are well aware that 1997 finds a great deal of concern over what is happening in the world of volunteerism.

We have a society that, for the most part, enjoys its leisure time as never before. We have more single parent families and families where both parents are obliged to work. Our political parties struggle to recruit candidates to run for legislative and executive positions.

However, I am confident, and I hope you are, too, that with a little more long range planning and extra effort we can develop the potential of our qualified young people, many of whom possess the attributes of the ten Senators we are honoring this afternoon.

We know from our own experience that our former colleagues overcame challenges that at times appeared to be thankless tasks and way too time-consuming. How did they do it? They surmounted many obstacles with perseverance, patience, a willingness to work, and enthusiasm.

Incidentally, it was Ralph Waldo Emerson who stated that, "Nothing great was ever accomplished without enthusiasm." The same Emerson also wrote the line, "Hitch your wagon to a star."

These are two of the common ingredients we find in community and legislative leadership - enthusiasm and imagination.

However, history will reveal that through the years there have been many more attributes prevalent in our North Dakota citizen legislature.

We have been blessed with hardworking men and women who inherited a quality from their parents and grandparents known as "work ethic".

These capitol halls and the chairs and desks in this Senate chamber have been occupied by men and women who dedicated their time and talents to help create and maintain a better North Dakota.

We can be proud of our predecessors whose honesty, friendliness, integrity, and ethical standards developed policies and passed into law rules and regulations that have resulted in an efficient state government that is second to none in these United States.

In this regard I want to tell you a story: Four weeks ago Representative Rick Berg was one of the participants in our semimonthly legislative forums in Fargo. He reported that in 1993 when he was Speaker of the House, he visited several other state legislatures during the interim to determine their modus operandi. He stated, to quote him exactly, that he was appalled at what he observed. By comparison, we truly do not know how very fortunate we are.

We, in North Dakota, can be proud and we should never forget that old saying, "Even if you are on the right track, you will get run over if you just sit there."

We should thank God that our legacy reveals that our conscientious citizen legislators have never, through fifty-four previous sessions, just "sat there", but have constantly kept us on the right track honestly and ethically and moved us forward to the position we have reached today.

To the families and friends of our recently departed Senators: George Unruh, Gil Strand, Harry Semerad, Kit Scherber, Ernie Livingston, Earl Kelly, Kent Jones, Mike Flatt, Lee Christensen, and LeRoy Erickson. Let me say this - We do thank you for sharing the time and talents of your loved ones with us for many sessions of this state Senate. They have left us with a countless number of fond memories. We respect and admire each one for the happy, productive days and months we enjoyed together in this Senate chamber. Most importantly, we thank them not only for being team players, but also, for the hundreds and thousands of hours they volunteered to help us make North Dakota a better place in which to live, in which to work, and in which to raise our children.

In conclusion, our former colleagues and distinguished Senators lived ethically and effectively - the way they felt Christ said we should. To those who do that, God has but one thing to say, "Well done, good and faithful servant. Enter into the joy of Your Master." We cherish that gift for them.

We will not say goodbye to our ten public servants this afternoon - as always - let us just say, "We'll see you later." And we will!

BENEDICTION BY PASTOR PHILIP LARSEN

As you go on your way may Christ go with you,
 May He go before you to show you the way;
 May He go behind you to encourage you;
 Beside you to befriend you,
 Above you to watch over,
 And within you to give you peace.
 In the name of the Father, and the Son and the Holy Spirit. Amen.

MOTION

SEN. GOETZ MOVED that the Memorial Service be dissolved, which motion prevailed.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 2:00 p.m., which motion prevailed.

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

CONSIDERATION OF AMENDMENTS

HB 1332, as engrossed: SEN. KRINGSTAD (Finance and Taxation Committee) MOVED that the amendments on SJ pages 688-689 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1340, as engrossed: SEN. TOMAC (Finance and Taxation Committee) MOVED that the amendments on SJ page 689 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

SEN. CHRISTMANN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1340, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed HB 1340, the roll was called and there were 34 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Nalewaja; Nelson, C.; O'Connell; Redlin; Robinson; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Watne; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Cook; Freborg; Klein; Mutch; Naaden; Nelson, G.; Sand; Solberg; Stenehjem, B.; Traynor; Wanzek

ABSENT AND NOT VOTING: Nothing

The motion to adopt the amendments to Engrossed HB 1340 passed. Engrossed HB 1340, as amended, was placed on the Fourteenth order of business on the calendar.

CONSIDERATION OF AMENDMENTS

HB 1442, as engrossed: SEN. YOCKIM (Political Subdivisions Committee) MOVED that the amendments on SJ page 690 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1093: A BILL for an Act to create and enact sections 14-12.2-33.1, 14-12.2-33.2, 14-12.2-33.3, 14-12.2-33.4, 14-12.2-33.5, 14-12.2-46.1, and 14-12.2-46.2 of the North Dakota Century Code, relating to the Uniform Interstate Family Support Act; to amend and reenact subsections 6, 7, 16, 19, and 20 of section 14-12.2-01, sections 14-12.2-07, 14-12.2-08, 14-12.2-10, 14-12.2-16, subsections 1 and 5 of section 14-12.2-17, section 14-12.2-18, subsection 2 of section 14-12.2-19, sections 14-12.2-33, 14-12.2-39, subsections 1 and 3 of section 14-12.2-40, sections 14-12.2-45, 14-12.2-46, and 14-12.2-47 of the North Dakota Century Code, relating to the Uniform Interstate Family Support Act; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nothing

Engrossed HB 1093, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3038: A concurrent resolution directing the Legislative Council to study assessment and taxation of mobile homes, park model trailers, recreational vehicles, and similar housing alternatives.

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

HCR 3038 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1095: A BILL for an Act to amend and reenact subsections 1 and 4 of section 39-10-46 and sections 39-21-18 and 39-21-27 of the North Dakota Century Code, relating to schoolbus strobe lights.

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 22 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; LaFountain; Lee; Lindaas; Mathern; Mutzenberger; Nelson, C.; Redlin; Thane; Tomac; Watne; Yockim

NAYS: Andrist; Bowman; Christmann; Cook; Klein; Krebsbach; Kringstad; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Traynor; Urlacher; Wanzek; Wogsland

ABSENT AND NOT VOTING: Nothing

Engrossed HB 1095 lost.

MOTION

SEN. GOETZ MOVED that Engrossed HB 1340, as amended, and which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, Engrossed HB 1340, as amended, was rereferred.

MOTION

SEN. GOETZ MOVED that Engrossed HB 1364, which is on the Fourteenth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, Engrossed HB 1364 was rereferred.

MOTION

SEN. GOETZ MOVED that Joint Rule 203 be amended to read "forty-fourth", thereby extending the deadline for transmitting Senate Resolutions to the House, and that the House be notified of that extension, which motion prevailed.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 7, 1997, I signed the following: SB 2398.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 7, 1997, I signed the following: SB 2024, SB 2025, SB 2035, SB 2049, SB 2075, SB 2079, and SB 2164.

Also, on March 10, 1997, I signed the following: SB 2069.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 4:19 p.m., March 10, 1997: SB 2038, SB 2039, SB 2103, SB 2107, SB 2111, SB 2123, SB 2126, SB 2201, SB 2212, SB 2245, SB 2277, SB 2316, SB 2337.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the 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 11, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4028: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4028 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1035, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

PASS and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1035 was placed on the Sixth order on the calendar.

Page 14, line 18, replace "Advise the state librarian on" with "Approve"

Page 15, after line 30, insert:

"SECTION 23. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much of the sum as may be necessary, to the state library for the purpose of providing grants to the existing regional library cooperatives, the new dimensions information authority, the north central library authority, and the Dakota west cooperating libraries, to be distributed equally upon application from each entity for the purpose of defraying the expense of improving and maintaining linkages to other libraries within the state."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1068, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1068 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1076, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1076 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1122: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1122 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1186: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1186 was placed on the Sixth order on the calendar.

Page 1, line 2, after "spreaders" insert "and agricultural chemical applicators; and to declare an emergency"

Page 1, line 22, after "spreaders" insert "and self-propelled agricultural chemical applicators"

Page 2, line 3, after "spreaders" insert "and self-propelled agricultural chemical applicators"

Page 2, line 5, after "spreaders" insert "and self-propelled agricultural chemical applicators"

Page 2, after line 24, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1190, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1190 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "hunting" with "fishing"

Page 1, line 3, replace "sections" with "section" and remove "and 20.1-03-07.1"

Page 1, line 4, replace the first "hunting" with "fishing" and remove "and nonresident waterfowl hunting licenses"

Page 1, line 10, replace "3" with "2"

Page 2, remove lines 4 through 16

Page 2, line 19, replace "**Hunting**" with "**Fishing**"

Page 2, line 23, remove "or resident small game hunting license"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1224, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1224 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commodities" insert "; to amend and reenact section 39-21-44 of the North Dakota Century Code, relating to the transportation of hazardous materials; and to declare an emergency"

Page 1, underscore lines 6 through 12

Page 1, after line 12, insert:

"SECTION 2. AMENDMENT. Section 39-21-44 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-21-44. Vehicle transporting explosives or hazardous materials - Administrative procedure and judicial review. Any person operating any vehicle transporting any explosive or hazardous material as a cargo or part of a cargo upon a highway shall comply with this section.

1. The vehicle must be equipped with at least one fire extinguisher, filled and ready for immediate use, and placed at a convenient point on the vehicle.
2. The superintendent of the state highway patrol shall adopt rules for the safe transportation of hazardous materials. Rules must duplicate or be consistent with current hazardous materials regulations of the United States department of transportation ~~except that a fertilizer or agricultural chemical retailer, or a driver employed by a fertilizer or agricultural chemical retailer, is exempt from the provisions of title 49, Code of Federal Regulations, part 395, section 3, subsection b, relating to hours of service of drivers, and title 49, Code of Federal Regulations, part 395, section 8, requiring a driver's record of duty status, while exclusively engaged in the transportation of fertilizer or agricultural chemicals when the transportation is within a radius of fifty miles [80.47 kilometers] from the retailer's place of business and the employer maintains a daily record for each driver showing the time a driver reports for duty, the total number of hours a driver is on duty, and the time a driver is released from duty.~~ The superintendent of the state highway patrol may adopt the hazardous materials regulations by reference and any adoption must be construed to incorporate amendments as may be made from time to time.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1242, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1242 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1274, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1274 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "lesser" with "amount agreed to by the parties in the revolving charge account agreement."

Page 1, remove lines 8 and 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1294: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1294 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1302: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1302 was placed on the Sixth order on the calendar.

Page 1, line 21, remove "appoint or" and after "provide" insert "hunting"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1310, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1310 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1334, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1334 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1339: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1339 was placed on the Sixth order on the calendar.

Page 7, line 25, overstrike "the" and insert immediately thereafter "this" and after "state" insert ", delivered into this state,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1360: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1360 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1405: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1405 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "~~, in possession of a general game~~"

Page 1, line 10, remove the overstrike over "~~license,~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1412, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1412 was placed on the Sixth order on the calendar.

Page 1, line 2, after "securities" insert "; and to amend and reenact subsection 4 of section 10-04-03 of the North Dakota Century Code, relating to deposit of securities fees"

Page 1, after line 3, insert:

"**SECTION 1. AMENDMENT.** Subsection 4 of section 10-04-03 of the North Dakota Century Code is amended and reenacted as follows:

4. All fees collected under this chapter ~~shall~~ must be turned deposited in to the general fund of the state treasury, except civil penalties collected from enforcement actions may be deposited in the general fund or in a special securities protection fund to be used at the discretion of the commissioner for losses of investors or other persons and for other reasonable expenses for the administration of that particular case."

Page 1, underscore lines 6 through 23

Page 2, underscore lines 1 through 31

Page 3, underscore lines 1 through 29

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3020: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3020 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3036: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3036 was placed on the Fourteenth order on the calendar.

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

William C. Parker, Secretary