

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

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Bismarck, March 23, 2005

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

The prayer was offered by Pastor Carl Lindemann, Our Saviour's Evangelical Lutheran, Bismarck.

The roll was called and all members were present except Senators Brown and Kringstad.

A quorum was declared by the President.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 22, 2005, I have signed the following: SB 2024, SB 2099, SB 2159, SB 2183, SB 2191, SB 2202, SB 2211, SB 2219, SB 2273, SB 2345, and SB 2410.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1522 be placed at the bottom of the Sixth order, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended and that after action taken on the Sixth order, HB 1209 and Engrossed HB 1522 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1105: SEN. ESPEGARD (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 949 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1195: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 950 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1489, as engrossed: SEN. TAYLOR (Education Committee) MOVED that the amendments on SJ page 952 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1496, as engrossed: SEN. BERCIER (Finance and Taxation Committee) MOVED that the amendments on SJ page 952 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1209: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ pages 950-952 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1209: A BILL for an Act to amend and reenact section 57-01-05 of the North Dakota Century Code, relating to an annual audit of property tax assessments and property tax exemption decisions; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 33 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Christmann; Cook; Dever; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Mathern; Mutch; Nething; Robinson; Schobinger; Stenehjem; Syverson; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Bowman; Erbele; Fairfield; Heitkamp; Krauter; Lindaas; Nelson; O'Connell; Seymour; Taylor; Triplett; Warner

ABSENT AND NOT VOTING: Brown; Kringstad

HB 1209, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1522, as engrossed: SEN. BERCIER (Finance and Taxation Committee) MOVED that the amendments on SJ pages 953-955 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1522: A BILL for an Act to create and enact chapter 51-30 of the North Dakota Century Code, relating to regulation of sale and delivery of tobacco products; 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; Bercier; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Brown; Kringstad

Engrossed HB 1522, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1433: A BILL for an Act to amend and reenact sections 15.1-09-09, 16.1-01-09.1, 16.1-06-15, 16.1-06-16, 16.1-06-19, 16.1-06-20, 16.1-06-23, 16.1-11-01, 16.1-11-27, 16.1-11-30, 16.1-11-31, 16.1-11-32, 16.1-11-33, 16.1-13-06, 40-21-02, 44-02-05, and 44-02-08 of the North Dakota Century Code, relating to election mechanics; and to repeal sections 16.1-11-23, 16.1-11-34, and 40-21-12 of the North Dakota Century Code, relating to election mechanics.

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

ABSENT AND NOT VOTING: Brown; Kringstad

Engrossed HB 1433, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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

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

ABSENT AND NOT VOTING: Brown; Kringstad

Engrossed HB 1438, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1453: A BILL for an Act to create and enact two new subsections to section 54-41-03 of the North Dakota Century Code, relating to authorized use of the coat of arms of the state.

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

ABSENT AND NOT VOTING: Brown; Kringstad

Engrossed HB 1453, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1060: A BILL for an Act to amend and reenact sections 10-30.6-01 and 10-30.6-05 of the North Dakota Century Code, relating to community development corporation formation requirements and board of director requirements; 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; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Brown; Kringstad

Engrossed HB 1060 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1061: A BILL for an Act to amend and reenact subsection 7 of section 12.1-32-15 of the North Dakota Century Code, relating to registration of sexual offenders.

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

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

NAYS: Robinson

ABSENT AND NOT VOTING: Brown; Kringstad

Engrossed HB 1061, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1124: A BILL for an Act to create and enact a new section to chapter 43-23.3 of the North Dakota Century Code, relating to the issuance of real estate appraiser permits to applicants licensed or certified by another state; to amend and reenact sections 43-23.3-04, 43-23.3-10, 43-23.3-11, 43-23.3-19, and 43-23.3-23 of the North Dakota Century Code, relating to real estate appraisers and the practice of real estate appraisal.

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

ABSENT AND NOT VOTING: Brown; Kringstad

HB 1124 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1127: A BILL for an Act to amend and reenact subsection 2 of section 13-03.1-06, subsection 2 of section 13-03.1-07, sections 13-03.1-07.1, 13-04.1-03, 13-04.1-04, and 13-04.1-05, subsection 3 of section 13-05-03, sections 13-05-05, 13-08-03, and 13-08-09, and subsection 12 of section 13-08-12 of the North Dakota Century Code, relating to consumer finance, money broker and collection agency licensee requirements and fees, and deferred presentment service provider licensee requirements, fees, and renewal applications.

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

ABSENT AND NOT VOTING: Brown; Kringstad

HB 1127 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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

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 29 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Brown; Kringstad

HB 1152 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1164: A BILL for an Act to amend and reenact sections 6-03-13.3, 6-03-38, and 6-03-59 of the North Dakota Century Code, relating to approval of banking facilities, investment by banks, and loan limitation to one borrower or concern.

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

ABSENT AND NOT VOTING: Brown; Kringstad

Engrossed HB 1164 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1201: A BILL for an Act to create and enact section 28-32-31.1 of the North Dakota Century Code, relating to the right of an occupational or professional licensee to demand resolution of a complaint, grievance, or request for disciplinary action filed with the licensing authority.

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 2 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Cook; Schobinger

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

ABSENT AND NOT VOTING: Brown; Kringstad

Engrossed HB 1201 lost.

SECOND READING OF HOUSE BILL

HB 1293: A BILL for an Act to create and enact a new section to chapter 12.1-29 of the North Dakota Century Code, relating to hiring an individual to engage in sexual activity; 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; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Brown; Kringstad

Engrossed HB 1293 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1414: A BILL for an Act to amend and reenact section 15-20.4-04 of the North Dakota Century Code, relating to medical transcription schools; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 9 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Erbele; Freborg; Klein; Schobinger; Stenehjem; Tollefson

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

ABSENT AND NOT VOTING: Brown; Kringstad

Engrossed HB 1414 lost.

MOTION

SEN. CHRISTMANN MOVED that HCR 3032, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1520: A BILL for an Act to create and enact a new subsection to section 39-16-03.1 of the North Dakota Century Code, relating to driver record abstract; to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to an underage person in a licensed premises with alcoholic beverages; 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 4 YEAS, 41 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Cook; Freborg; Lee, G.; Wardner

NAYS: Andrist; Bercier; Bowman; Christmann; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter;

Krebsbach; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjelm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Warner

ABSENT AND NOT VOTING: Brown; Kringstad

Engrossed HB 1520 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3043: A concurrent resolution directing the Legislative Council to study the need for supportive housing and services, including emergency shelters, transition housing, and permanent supportive housing for homeless individuals and families with children.

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

HCR 3043 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3046: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing early childhood education programs.

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

HCR 3046 was declared lost on a verification vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3050: A concurrent resolution directing the Legislative Council to study data regarding colorectal cancer screening, current methods of public education, access to regular cancer screening, and to consider options for increasing screening accuracy.

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

HCR 3050 was declared lost on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3051: A concurrent resolution directing the Legislative Council to study ways in which state agencies can join with health care professionals, school districts, schools, and parents to promote understanding regarding the interplay of health and educational success and to improve the health and well-being of elementary and high school students in this state.

REQUEST

SEN. HEITKAMP REQUESTED a verification vote on the final adoption of HCR 3051, which request was granted.

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

HCR 3051 was declared lost on a verification vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3054: A concurrent resolution directing the Legislative Council to study state programs providing services to children with special health care needs to determine whether the programs are effective in meeting these special health care needs, whether there are gaps in the state's system for providing services to children with special health care needs, and whether there are significant unmet special health care needs of children which should be addressed.

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

HCR 3054 was declared adopted, and the title was agreed to on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that Engrossed SB 2181, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do concur in the House amendments to Engrossed SB 2125 as printed on SJ page 803, which motion prevailed on a voice vote.

Engrossed SB 2125, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2125: A BILL for an Act to create and enact a new section to chapter 12-59 of the North Dakota Century Code, relating to establishment and modification of parole expiration dates.

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

ABSENT AND NOT VOTING: Brown; Kringstad

Reengrossed SB 2125 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FLAKOLL MOVED that the Senate do concur in the House amendments to Reengrossed SB 2147 as printed on SJ page 926, which motion prevailed on a voice vote.

Reengrossed SB 2147, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2147: A BILL for an Act to create and enact a new section to chapter 4-01 and a new section to chapter 6-09 of the North Dakota Century Code, relating to the establishment of a certified beef program and a livestock loan guarantee program; to amend and reenact section 4-14.1-03.1 of the North Dakota Century Code, relating to agricultural grants; to provide for a report; and to provide an expiration date.

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

ABSENT AND NOT VOTING: Brown; Kringstad

Reengrossed SB 2147 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do concur in the House amendments to SB 2265 as printed on SJ pages 928-930, which motion prevailed on a voice vote.

SB 2265, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2265: A BILL for an Act to amend and reenact sections 32-12.1-02, 32-12.1-03, and 32-12.2-02 of the North Dakota Century Code, relating to civil liability of political subdivisions and the state; 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; Bercier; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Brown; Kringstad

Engrossed SB 2265 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to SB 2297 as printed on SJ page 897, which motion prevailed on a voice vote.

SB 2297, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2297: A BILL for an Act to amend and reenact sections 54-56-03, 54-56-04, and 54-56-06 of the North Dakota Century Code, relating to the functions and duties of the children's services coordinating committee; to repeal section 54-56-07 of the North Dakota Century Code, relating to the operating fund balance of the children's services coordinating committee; to provide a continuing appropriation; and to provide an expiration date.

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

ABSENT AND NOT VOTING: Brown; Kringstad

Engrossed SB 2297 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KREBSBACH MOVED that the Senate do concur in the House amendments to Engrossed SB 2356 as printed on SJ pages 874-876, which motion prevailed on a voice vote.

Engrossed SB 2356, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2356: A BILL for an Act to create and enact a new section to chapter 53-01 of the North Dakota Century Code, relating to mixed fighting style competitions; and to amend and

reenact sections 53-01-02, 53-01-03, 53-01-07, 53-01-09, and 53-01-17 of the North Dakota Century Code, relating to the regulation of mixed fighting style competitions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Cook; Lee, G.; Lindaas; Mathern; Syverson; Tallackson

ABSENT AND NOT VOTING: Brown; Kringstad

Reengrossed SB 2356 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to Engrossed SB 2087 as printed on SJ page 896, which motion prevailed on a voice vote.

Engrossed SB 2087, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2087: A BILL for an Act to amend and reenact sections 44-08-18, 54-21-17.1, and 54-21-18 of the North Dakota Century Code, relating to the transfer of capitol security from the office of management and budget to the highway patrol.

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

ABSENT AND NOT VOTING: Brown; Kringstad

Reengrossed SB 2087 passed and the title was agreed to.

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 2087, SB 2125, SB 2147, SB 2265, SB 2297, and SB 2356.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1124, HB 1127, HB 1152, HB 1164, HB 1293, HCR 3043, HCR 3054.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1060.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1061, HB 1209, HB 1433, HB 1438, HB 1453.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1522.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has failed to pass: HB 1201, HB 1414, HB 1520, HCR 3046, HCR 3050.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2129: Reps. Froseth; L. Meier; Amerman
SB 2149: Reps. Devlin; Damschen; Potter
SB 2251: Reps. Maragos; Charging; Delmore
SB 2261: Reps. Weisz; Damschen; Sandvig
SB 2298: Reps. Kreidt; Pietsch; Kaldor
SB 2324: Reps. Kretschmar; N. Johnson; Zaiser
SB 2388: Reps. Uglem; Porter; Sandvig

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has passed unchanged: SB 2041, SB 2348, SB 2366.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2037, SB 2096, SB 2118, SB 2200, SB 2204, SB 2208.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2037

Page 1, line 1, after "15-10" insert "and a new section to chapter 54-59"

Page 1, line 2, after "technology" insert "and information technology planning"

Page 5, line 20, after "systems" insert an underscored comma

Page 5, line 27, after "the" insert "state information technology", remove the overstrike over "advisory", and after "committee" insert "and the information technology committee"

Page 12, line 23, overstrike "the public employees retirement system, the retirement"

Page 12, line 24, overstrike "and investment office," and remove "the oil and gas division and the geological survey"

Page 12, line 25, remove "of the industrial commission, the public service commission, the water commission,"

Page 13, line 3, after the period insert "An exemption granted under this section before the effective date of this Act may continue in effect until July 1, 2006. This chapter does not require or permit the public employees retirement system or the retirement and investment office to engage in activities or make expenditures that may affect their compliance with the qualification statutes and regulations promulgated by the internal revenue service."

SECTION 12. A new section to chapter 54-59 of the North Dakota Century Code is created and enacted as follows:

Information technology planning - Exemptions - Appeals.

1. The department shall establish specific standards, policies, and guidelines to support the future vision of migrating to a small number of operating system platforms. The standards and guidelines must be developed through the enterprise architecture process in accordance with section 54-59-09.
2. An agency or institution information technology plan required by section 54-59-11 must include data regarding business application assets, including age, and a planned replacement cycle. The department shall develop a long-term plan for the cost-effective, needs-based replacement of all critical business applications over a period of ten years or more. The process must include participation of affected agencies and institutions and must incorporate the standards, policies, and guidelines developed by the enterprise architecture process. The state information technology advisory committee shall prioritize application replacement projects in accordance with section 54-59-02.1. An agency or institution implementing a replacement application shall comply with the standards, policies, and

guidelines developed under section 54-59-09 and shall obtain the services as provided by section 54-59-22. This subsection does not require the consolidation of business applications.

3. If an agency request for an exemption from the requirements of section 54-59-22 is denied by the office of management and budget, the agency may submit to the state information technology advisory committee any information it considers necessary to support its request for an exemption. The state information technology advisory committee may request the office of management and budget to reconsider the request for the exemption. If the office of management and budget denies the request for reconsideration or again denies the exemption, the agency may appeal to the governor. The governor may approve or deny the request. If the governor denies a request for an exemption, the agency may appeal to the legislative council's information technology committee. If an exemption is granted, the legislative assembly, at the next regular session of the legislative assembly, shall consider extending the exemption. If the legislative assembly does not extend the exemption, the exemption may not extend beyond the adjournment of that session of the legislative assembly.
4. If an industry regulated by a state agency incurs or anticipates incurring additional costs or permitting delays as a result of the effect on the regulating state agency of specific standards, policies, or guidelines established by the department under chapter 54-59, the industry may submit to the state information technology advisory committee a request for an exemption for the regulating state agency. The request must include any information the industry considers necessary to support its request for an exemption. The chief information officer shall request advice from the state information technology committee regarding the exemption. If the chief information officer denies a request for an exemption, the industry may appeal to the legislative council's information technology committee for the regulating state agency. The information technology committee may approve or deny the request. If the committee denies a request for an exemption, the industry may appeal to the governor. If the information technology committee or the governor approves an exemption, the exemption is effective for a period of up to ten years unless changes in technology require reconsideration of the exemption."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2096

Page 1, line 7, after the second boldfaced period insert:

"1."

Page 1, line 10, replace "The policy must be a policy" with:

- "2. The policy must be issued by an insurer licensed, registered, or otherwise authorized to do business in this state. From the time the policy is filed with the commissioner:
 - a. The insurer shall maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file copies of the insurer's audited financial statements, the national association of insurance commissioners annual statement, and the actuarial certification required by and filed in the insurer's state of domicile; or
 - b. The insurer shall maintain surplus as to policyholders and paid-in capital of between fifteen million dollars and ten million dollars, demonstrate to the satisfaction of the commissioner that the company maintains a ratio of net written premiums, wherever written, to surplus as to policyholders and paid-in capital of not greater than three to one, and annually file copies of the insurer's audited financial statements, the national association of insurance commissioners annual statement, and the actuarial certification required by and filed in the insurer's state of domicile."

Page 1, remove lines 11 and 12

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2118

Page 2, line 15, after "any" insert "confidential", remove "described", and after the second "in" insert "violation of"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2200

Page 1, line 2, remove "to provide a penalty;"

Page 1, line 7, remove "- **Penalty**"

Page 1, line 9, replace "a systems data module" with "an event data recorder"

Page 1, line 13, replace "systems data module" with "an event data recorder" and replace "device" with "feature"

Page 1, line 14, after "vehicle" insert "and does any of the following" and replace the period with "after a crash:

- a. Records the speed of the vehicle and the direction the motor vehicle is traveling.
- b. Records vehicle location data.
- c. Records steering performance.
- d. Records brake performance including whether brakes were applied before an accident.
- e. Records the driver's safety belt status.
- f. Has the ability to transmit information concerning an accident in which the vehicle has been involved to a central communications system when an accident occurs."

Page 1, line 15, replace "a recording device" with "an event data recorder"

Page 1, line 16, remove "registered" and after "vehicle" insert "at the time the data is accessed, or through consent by the owner's agent or legal representative"

Page 1, line 22, after "number" insert ", with the last four digits deleted,"

Page 2, after line 8, insert:

- "c. Upon authority of a court or other judicial or administrative authority having jurisdiction.
3. "Owner" means a person having all the incidents of ownership, including the legal title of a vehicle regardless of whether the person lends, rents, or creates a security interest in the vehicle; a person entitled to the possession of a vehicle as the purchaser under a security agreement; or the person entitled to possession of the vehicle as lessee pursuant to a written lease agreement, if the agreement at inception is for a period in excess of three months.
4. A person, including a service or data processor operating on behalf of the person, authorized to download or otherwise retrieve data from an event data recorder pursuant to subdivision a of subsection 2 may not release that data except for the purposes of motor vehicle safety and medical communities to advance motor vehicle safety, security, or traffic management; or to a data processor solely for the purposes permitted by this subsection, and only if the identity of the owner or driver of the vehicle is not disclosed."

Page 2, line 9, replace "3." with "5."

Page 2, line 10, replace "the listing of where the motor vehicle travels" with "vehicle location data"

Page 2, line 13, after "the" insert "terms and conditions of the" and remove "agreement"

Page 2, remove lines 16 and 17

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2204

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 13-01-14 of the North Dakota Century Code, relating to the amount of late payment charges on medical bills.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 13-01-14 of the North Dakota Century Code is amended and reenacted as follows:

13-01-14. Late payment charge on accounts receivable.

1. A creditor may charge, receive, and collect a late payment charge on all money due on account from thirty days after the obligation of the debtor to pay has been incurred.
2. Except as provided in subsection 4, the late payment charge may not exceed one and three-fourths percent per month.
3. The late payment charge provided in this section may be charged only if, when the obligation was incurred, the creditor did not intend to extend any credit beyond thirty days and any late payment of the obligation was unanticipated.
4. A creditor may not charge, receive, or collect a late payment charge on medical or hospital bills during the initial ninety days following services. A late payment charge may be imposed at a rate that does not exceed one percent per month, ~~but the charge cannot exceed twenty five dollars per month.~~ This subsection does not apply in cases of financial hardship as certified by the creditor.
5. This section does not apply to:
 - a. Money due on retail installment contracts, as defined in chapter 51-13.
 - b. Money due on revolving charge accounts, as defined in chapter 51-14."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2208

Page 16, line 23, after the period insert "However, a child under the age of seven who is at least fifty-seven inches [1.45 meters] tall and who weighs at least eighty pounds [36.28 kilograms] is not required to use a child restraint system."

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 2146, SB 2340.

HOUSE AMENDMENTS TO SENATE BILL NO. 2146

Page 1, line 3, after "payments" insert "; to create and enact a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to individual income tax deductions" and after "penalty" insert "; to provide an effective date"

Page 1, line 13, after "in" insert "sections 1 through 9 of"

Page 3, line 15, after "under" insert "sections 1 through 9 of"

Page 3, line 22, after "under" insert "sections 1 through 9 of"

Page 3, line 24, after "under" insert "sections 1 through 9 of"

Page 4, line 9, after "under" insert "sections 1 through 9 of"

Page 4, line 14, after "under" insert "sections 1 through 9 of"

Page 4, line 21, after "under" insert "sections 1 through 9 of"

Page 4, line 22, after "taxes" insert ", including taxes determined under section 57-38-29 or 57-38-30.3,"

Page 4, line 24, after "under" insert "sections 1 through 9 of"

Page 4, line 28, after "administer" insert "sections 1 through 9 of"

Page 5, line 1, after "of" insert "sections 1 through 9 of"

Page 5, line 2, after "of" insert "sections 1 through 9 of"

Page 5, line 9, after "under" insert "section 5 of"

Page 5, after line 9, insert:

"SECTION 10. A new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code is created and enacted as follows:

Reduced by the amount of any payment received by a veteran or beneficiary of a veteran under section 3 or 4 of this Act.

SECTION 11. EFFECTIVE DATE. Section 10 of this Act is effective for taxable years beginning after December 31, 2004."

Re-number accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2340

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

Page 2, after line 28, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

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

MR. PRESIDENT: The House has failed to pass: SB 2139.

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 1116, HB 1140, HB 1141, HB 1169, HB 1185, HB 1262, HB 1271, HB 1354, HB 1368, HB 1398, HB 1501, HCR 3011, HCR 3028, HCR 3034, HCR 3038, HCR 3039, HCR 3040.

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 1404, HCR 3007, HCR 3014, HCR 3023, HCR 3029.

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

MR. PRESIDENT: The Speaker has signed: SB 2074, SB 2076, SB 2082, SB 2094, SB 2121, SB 2132, SB 2150, SB 2158, SB 2162, SB 2167, SB 2194, SB 2201, SB 2209, SB 2220, SB 2231, SB 2252, SB 2260, SB 2293, SB 2295, SB 2338, SB 2349, SB 2351, SB 2401.

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

MR. PRESIDENT: The Speaker has signed: SCR 4001, SCR 4003, SCR 4005, SCR 4009, SCR 4010, SCR 4011, SCR 4015, SCR 4016, SCR 4019, SCR 4024, SCR 4026, SCR 4027, SCR 4031, SCR 4032, SCR 4033.

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., Thursday, March 24, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1089: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1089 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1151: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1151 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1155: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1155 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1174, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1174 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1177, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1177 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1181, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1181, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1231, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1231 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact three new sections to chapter 25-07 of the North Dakota Century Code, relating to the provision of services to individuals who are deaf or hearing impaired; and to"

Page 1, line 8, replace "must" with "may"

Page 3, after line 20, insert:

"SECTION 7. A new section to chapter 25-07 of the North Dakota Century Code is created and enacted as follows:

School for the deaf - Adult services.

1. The school for the deaf may provide services to adults who are deaf or hearing impaired. The services may include:
 - a. Consultations;
 - b. Evaluations;
 - c. Information;
 - d. Auditory training;
 - e. Training in the use of technology and assistive technologies;
 - f. Training in life skills; and

g Recreational opportunities.

2. The school for the deaf may assist adults who are deaf or hearing impaired in obtaining access to vocational rehabilitation programs, developmental disabilities programs, aging services, captioned media services, communications services, and advocacy services. The school for the deaf also may assist individuals in obtaining residential placements in independent living facilities.

SECTION 8. A new section to chapter 25-07 of the North Dakota Century Code is created and enacted as follows:

Provision of services - Collaboration. The school for the deaf may collaborate with public and private entities for the provision of services to individuals who are deaf or hearing impaired.

SECTION 9. A new section to chapter 25-07 of the North Dakota Century Code is created and enacted as follows:

Data base. The school for the deaf may maintain a data base of individuals who are deaf or hearing impaired."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1291, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1291 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "23-25-11" insert "and 42-04-01"

Page 1, line 2, after "operations" insert "and livestock auction markets"

Page 1, line 15, replace "within" with "at a point that is at least one-half mile [.80 kilometer] from the"

Page 1, remove lines 16 and 17

Page 2, line 14, remove the second "section" and after the underscored comma insert "or if the setback distance under subsection 7 is greater than one-half mile [.80 kilometer]."

Page 4, line 1, replace "animals" with "animal units"

Page 4, line 3, replace "animals" with "animal units"

Page 4, line 4, replace "animals" with "animal units"

Page 4, line 6, replace "animals" with "animal units"

Page 4, line 7, replace "animals" with "animal units"

Page 4, line 10, replace "animals" with "animal units"

Page 4, line 11, replace "animals" with "animal units"

Page 4, line 14, replace "animals" with "animal units"

Page 4, after line 23, insert:

"SECTION 2. AMENDMENT. Section 42-04-01 of the North Dakota Century Code is amended and reenacted as follows:

42-04-01. Agricultural operation defined. As used in this chapter, "agricultural operation" means the science and art of ~~production of~~ producing plants and animals useful to people; by a corporation or a limited liability company as allowed under chapter 10-06.1; or by a corporation or limited liability company, a partnership, or a proprietorship; and ~~including, to a variable extent,~~ includes the preparation of these products for people's use and ~~the~~ the disposal of these products by marketing ~~otherwise, and~~ and other means. The term includes livestock auction markets and

horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products, and farm production."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1305: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1305 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1321: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1321 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 13-08-01, 13-08-06, and"

Page 1, line 2, after "limitations" insert "; and to declare an emergency"

Page 1, replace lines 4 through 24 with:

"SECTION 1. AMENDMENT. Section 13-08-01 of the North Dakota Century Code is amended and reenacted as follows:

13-08-01. Definitions. As used in this chapter, unless the context otherwise requires:

1. "Check" means a personal check signed by the maker and made payable to a licensee.
2. "Commissioner" means the commissioner of financial institutions.
3. "Completed deferred presentment service transaction" means a transaction that is completed when a check is redeemed by the maker by payment in full to the licensee in cash, money order, or certified check or by negotiation or deposit by the licensee, or when an electronic funds transfer or other transfer of money has taken place to repay the contracted debt.
4. "Customer" means a person to which funds are advanced under a deferred presentment service transaction.
5. "Deferred presentment service transaction" means a transaction ~~made under a written agreement between a licensee and the maker of a check under which the licensee by which a person:~~
 - a. Pays to ~~the maker of the check~~ a customer the amount of ~~the a~~ check, less the fees permitted under this chapter, and accepts a check from the ~~maker~~customer dated on the date of the transaction and agrees to hold the check for a period of time before negotiation or presentment;~~or~~
 - b. Accepts a check dated after the date of the transaction and agrees to hold the check for deposit until the date written on the check; or
 - c. Pays to the customer an agreed-upon amount, and obtains the customer's authorization to transfer or withdraw, electronically or otherwise, funds from a customer's account in repayment at some future, agreed-upon date.

- ~~5.~~ 6. "Licensee" means a person licensed under this chapter to provide deferred presentment services.

SECTION 2. AMENDMENT. Section 13-08-06 of the North Dakota Century Code is amended and reenacted as follows:

13-08-06. Issuance of license - Posting.

1. Upon receipt of a complete application, the commissioner shall determine whether the qualifications prescribed under this chapter are satisfied. If the

commissioner determines the qualifications are satisfied and approves the documents, the commissioner shall issue to the applicant a license to engage in the deferred presentment service business.

2. A licensee shall keep the license conspicuously posted in the place of business of the licensee, and shall provide notice to its customers in this state of the license number under which it is operating.
3. A license issued under this section is effective through the remainder of the fiscal year ending June thirtieth after the license's date of issuance unless earlier surrendered, suspended, or revoked under this chapter.

SECTION 3. AMENDMENT. Section 13-08-12 of the North Dakota Century Code is amended and reenacted as follows:

13-08-12. Fees for service - Deferred presentment service transaction procedures - Penalty.

1. Before disbursing funds under a deferred presentment service transaction, a licensee shall provide to the ~~maker of the check~~ customer a clear and conspicuous printed notice indicating:
 - a. That a deferred presentment service transaction is not intended to meet long-term financial needs.
 - b. That the ~~maker of a check~~ customer should use a deferred presentment service transaction only to meet short-term cash needs.
 - c. That the ~~maker of a check~~ customer will be required to pay additional fees if the deferred presentment service transaction is renewed rather than paid in full when due. If the transaction is renewed, any amount paid in excess of the fee applies to the payoff amount.
 - d. A schedule of fees charged for deferred presentment service.
 - e. Any information required under federal law.
 - f. No property, titles to any property, or mortgages may be received or held directly or indirectly by the licensee as a condition of a deferred presentment service transaction or as a method of collection on a defaulted deferred presentment service transaction without proper civil process.
2. A licensee may charge a fee for the deferred presentment service, not to exceed twenty percent of the amount paid to the ~~maker of the check~~ customer by the licensee. This fee may not be deemed interest for any purpose of law. No other fee or charge may be charged for the deferred presentment service, ~~and no~~ except that a fee, not to exceed the cost to the licensee, may be charged for registering a transaction on a data base administered or authorized by the commissioner. No property, titles to any property, or mortgages may be received or held directly or indirectly by the licensee as a condition of a deferred presentment service transaction or as a method of collection on a defaulted deferred presentment service transaction without proper civil process.
3. A licensee may not disburse more than five hundred dollars to the ~~maker of a check~~ customer in a deferred presentment service transaction.
4. A licensee may not engage in a deferred presentment service transaction with a customer who has an aggregate ~~face~~ value of all outstanding ~~checks~~ obligations from any one ~~maker~~ customer exceeding ~~five~~ six hundred dollars which is payable to the same or any other licensee. A licensee may not enter ~~into~~ a new deferred presentment service transaction with a customer within three business days of that customer's completion of a previous deferred presentment service transaction. A licensee may rely on a written or electronic representation of a ~~maker~~ customer regarding the existence of any outstanding ~~checks~~ obligations for deferred presentment held by a licensee other than the licensee receiving the representation until the data base provided for under this subsection is in operation, and after that time may not rely on a customer's representation but must verify the

fact using the data base. However, if a licensee has multiple locations, that licensee may not rely on ~~such written~~ the representation of a ~~maker~~ customer regarding the existence of any outstanding ~~checks~~ obligation for deferred presentment held by that licensee, or one of the licensee's multiple locations, unless the licensee and the licensee's multiple locations use a point of sale registry or some other accounting system to attempt to prevent violations of this subsection. The commissioner shall administer or authorize the development of a data base in which each transaction must be recorded for the purpose of preventing violations of this section. The commissioner shall adopt rules governing the creation, structure, and use of the data base.

5. Before a licensee may negotiate or present a check for payment, the check must be endorsed with the actual name under which the licensee is doing business.
6. Each deferred presentment service transaction, including a renewal, must be documented by a written agreement signed or similarly authenticated by the ~~maker of the check~~ customer. The ~~written~~ agreement must contain the name of the licensee; the transaction date; the amount of the ~~check~~ obligation; and a statement of the total amount of fees charged, expressed as a dollar amount and as an annual percentage rate. The ~~written~~ agreement must authorize the licensee to defer presentment or negotiation of the check, or electronic debit of the customer's account, until a specified date. The maker of a check may redeem the check from the licensee at any time before the negotiation or presentment of the check by making payment to the licensee; ~~however, the maker.~~ A customer agreeing to an electronic deferred presentment service transaction may repay the obligation at any time before the agreed-upon date. A customer may rescind the any transaction by the close of the following business day following the day on which the customer receives payment from the licensee at no cost. If a customer agreeing to an electronic deferred presentment service transaction rescinds the transaction, the licensee must facilitate the repayment of the funds through the same electronic means the licensee used to deliver the funds to the customer.
7. If a check or electronic debit is returned to the licensee from a payer financial institution due to insufficient funds, closed account, or a stop payment order, the licensee has the right to all civil remedies available to collect the ~~check~~ obligation. The licensee may contract for and collect a returned check or electronic debit charge not to exceed twenty dollars ~~per customer, per year.~~ No other fee or charge may be collected as a result of a returned check or electronic debit or as a result of default by the ~~maker of the check~~ customer in timely payment to the licensee.
8. A ~~maker of a check~~ customer who has authority to make ~~the a~~ a check or authorize an electronic debit and enters ~~into~~ a deferred presentment service agreement is not subject to a criminal penalty relating to the check, electronic debit, or the deferred presentment service agreement unless the ~~customer's account on which the check was written~~ was closed on the original date of the transaction. At the time of entering a transaction involving a written check, a licensee shall verify that the account on which the check is written is open. A licensee may not pursue or threaten to pursue criminal penalties against a ~~maker of a check~~ customer for criminal penalties prohibited by this subsection.
9. A licensee may not engage in unfair or deceptive acts, practices, or advertising in the conduct of a deferred presentment service business.
10. The amount paid to the ~~maker~~ customer by the licensee in a deferred presentment service transaction must be paid in the form of cash ~~or,~~ check, or an electronic credit to the customer's account.
11. Each licensee must conspicuously post in the licensee's licensed location a notice of the fees imposed for the deferred presentment service. A licensee that engages in a deferred presentment service transaction via the internet shall require its customers to acknowledge the fees imposed using a click-through or other method that prevents customers from completing the transaction without reviewing the licensee's fees.

12. A licensee may not renew a deferred presentment service transaction more than once. A licensee's renewal fee may not exceed twenty percent of the amount being renewed. The total period of deferral, including the initial deferral and one renewal, may not exceed ~~forty-five~~ sixty days. An individual renewal period may not be less than fifteen days. After ~~forty-five~~ sixty days the renewed deferred presentment ~~check~~ service transaction must be paid off in cash, money order, electronic payment, or certified check by the ~~maker~~ customer or, if a check is used, the check must be deposited by the licensee.
13. A licensee may not renew, repay, refinance, or consolidate a deferred presentment service transaction with the proceeds of another deferred presentment service transaction with that licensee by the same maker or customer. It is presumed that a deferred presentment service transaction initiated within three business days before completion of a deferred presentment service transaction is a violation of this subsection.
14. A licensee may not conduct another business, other than a bona fide pawnbroking business, within the same office, suite, room, or place of business at which the licensee engages in deferred presentment service transactions unless the commissioner provides written authorization after a determination the other business is not contrary to the best interests of consumers.
15. A licensee shall provide a notice in a prominent place on each deferred presentment service agreement in no less than ten-point type in substantially the following form:

State law prohibits this business from allowing customers to have outstanding at any one time, deferred presentment service transactions totaling more than ~~five~~ six hundred dollars.
16. A licensee or any agent of a licensee who willfully violates this section is guilty of a class A misdemeanor.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 21

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1348: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1348 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "14-07.1-01," and remove the second comma

Page 1, remove lines 4 through 24

Page 2, remove lines 1 through 7

Page 2, line 23, replace "shall" with "may" and replace "is the" with "has engaged in the most immediately significant aggression"

Page 2, line 24, remove "predominant aggressor" and after "factors" insert an underscored comma

Page 2, line 25, overstrike the comma and remove "the"

Page 2, line 26, remove "comparable size and strength of each party,"

Page 3, line 5, replace "was" with "has engaged in the most immediately significant aggression"

Page 3, line 6, remove the first "the predominant aggressor" and replace the second "the predominant aggressor" with "that individual"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1386, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1386 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1409, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1409 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1418, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1418 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1473, as reengrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1473 was placed on the Sixth order on the calendar.

Page 2, line 7, after the period insert "If the commission determines that consultant services are necessary to assist the commission in conducting its assigned studies, the commission may request funding for consultant services from the legislative council and other interested entities."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3017: Human Services Committee (Sen. Seymour, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3017 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "begins at" with "should be protected at every stage of biological development; and"

Page 1, remove lines 7 through 10

Page 1, line 17, replace "by" with "but"

Page 2, line 11, remove "at the moment of fertilization"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3053: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3053 was placed on the Fourteenth order on the calendar.

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

William R. Horton, Secretary