

## JOURNAL OF THE SENATE

## Sixty-second Legislative Assembly

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Bismarck, March 18, 2011

The Senate convened at 12:30 p.m., with President Wrigley presiding.

The prayer was offered by Reverend John Ejike, St. Therese The Little Flower Church, Rugby.

The roll was called and all members were present except Senators Hogue, Triplett, and Warner.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**HB 1363, as engrossed: SEN. FLAKOLL (Education Committee) MOVED** that the amendments on SJ page 756 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**HB 1038, as engrossed: SEN. NODLAND (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 754 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**HB 1214, as engrossed: SEN. FLAKOLL (Education Committee) MOVED** that the amendments on SJ pages 755-756 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**HB 1167: SEN. J. LEE (Political Subdivisions Committee) MOVED** that the amendments on SJ page 755 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**HB 1386: SEN. DEVER (Human Services Committee) MOVED** that the amendments on SJ page 757 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

## MOTION

**SEN. CHRISTMANN MOVED** that HB 1386 be placed at the top of the Fourteenth order, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1386:** A BILL to provide for a legislative management study and a report from the insurance department.

## 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 30 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Burckhard; Cook; Dever; Dotzenrod; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Krebsbach; Laffen; Larsen; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; Nething; Nodland; Olafson; Robinson; Schaible; Schneider; Sitte; Stenehjem; Taylor; Wanzek; Wardner

**NAYS:** Andrist; Berry; Christmann; Erbele; Fischer; Flakoll; Klein; Lee, G.; Lee, J.; Miller; O'Connell; Oehlke; Sorvaag; Uglem

**ABSENT AND NOT VOTING:** Hogue; Triplett; Warner

HB 1386, as amended, passed.

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**MOTION**

**SEN. MILLER MOVED** that the Senate reconsider its action whereby HCR 3027 passed, which motion prevailed on a verification vote.

**MOTION**

**SEN. CHRISTMANN MOVED** that HCR 3027 be rereferred to the **Agriculture Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HCR 3027 was rereferred.

**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1089, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1270:** A BILL for an Act to amend and reenact sections 15.1-13-09 and 15.1-13-20 of the North Dakota Century Code, relating to the licensing of teachers from other states; and to repeal section 15.1-13-21 of the North Dakota Century Code, relating to reciprocal teaching licenses.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Uglem; Wanzek; Wardner

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Hogue; Triplett; Warner

Engrossed HB 1270, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1346:** A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, relating to the state Latin motto.

**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 34 YEAS, 10 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Kilzer; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sorvaag; Taylor; Uglem; Wardner

**NAYS:** Christmann; Cook; Dever; Holmberg; Klein; Lyson; Miller; Sitte; Stenehjem; Wanzek

**ABSENT AND NOT VOTING:** Hogue; Triplett; Warner

Engrossed HB 1346 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1100:** A BILL for an Act to amend and reenact section 57-22-11 of the North Dakota Century Code, relating to certification of uncollectible taxes to the director of the office of management and budget.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Uglem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Hogue; Triplett; Warner

HB 1100 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1075:** A BILL for an Act to amend and reenact subdivision b of subsection 3 of section 54-46-02 and section 54-46-07 of the North Dakota Century Code, relating to the definition of records and the recovery of records.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Uglem; Wanzek; Wardner

**NAYS:** Dever

**ABSENT AND NOT VOTING:** Hogue; Triplett; Warner

Engrossed HB 1075 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1353:** A BILL for an Act to create and enact three new sections to chapter 15-52 of the North Dakota Century Code, relating to the school of medicine and health sciences advisory council; and to amend and reenact sections 15-52-01, 15-52-03, and 15-52-04 of the North Dakota Century Code, relating to the school of medicine and health sciences and the school's advisory council.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 44 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**NAYS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Uglem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Hogue; Triplett; Warner

Reengrossed HB 1353 lost.

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### **SECOND READING OF HOUSE BILL**

**HB 1430:** A BILL for an Act to amend and reenact sections 43-23-06.1 and 43-23-12.1 of the North Dakota Century Code, relating to definitions and the duties of real estate brokerage firms.

### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Hogue; Triplett; Warner

Engrossed HB 1430 passed.

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### **SECOND READING OF HOUSE BILL**

**HB 1161:** A BILL for an Act to amend and reenact section 10-30.5-12 of the North Dakota Century Code, relating to entrepreneurship center awards.

### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Hogue; Triplett; Warner

HB 1161 passed.

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### **SECOND READING OF HOUSE BILL**

**HB 1205:** A BILL for an Act to create and enact a new section to chapter 57-40.6 of the North Dakota Century Code, relating to call location information by a wireless service provider to law enforcement.

### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Hogue; Triplett; Warner

Engrossed HB 1205 passed.

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### **SECOND READING OF HOUSE BILL**

**HB 1185:** A BILL for an Act to create and enact a new section to chapter 24-05 of the North Dakota Century Code, relating to advertisement of road construction contracts; and to amend and reenact section 24-05-04 of the North Dakota Century Code, relating to advertising contracts for road construction and equipment.

### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Uglem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Hogue; Triplett; Warner

Engrossed HB 1185 passed.

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### **SECOND READING OF HOUSE BILL**

**HB 1176:** A BILL for an Act to repeal section 18-04-08 of the North Dakota Century Code, relating to notification by the North Dakota firefighter's association of the treasurer of each fire department or company to the auditor of each municipality.

### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Uglem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Hogue; Triplett; Warner

HB 1176 passed.

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### **SECOND READING OF HOUSE BILL**

**HB 1376:** A BILL for an Act to amend and reenact sections 43-49-07, 43-49-09, and 43-09-11 of the North Dakota Century Code, relating to licensure of reflexologists.

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Uglem; Wanzek; Wardner

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Hogue; Triplett; Warner

Engrossed HB 1376 passed.

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### **SECOND READING OF HOUSE BILL**

**HB 1158:** A BILL for an Act to create and enact a new section to chapter 54-21.3 of the North Dakota Century Code, relating to wheelchair accessibility of retail businesses that receive state or local economic development funds; and to provide for application.

### **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 10 YEAS, 34 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Christmann; Cook; Dotzenrod; Fischer; Heckaman; Marcellais; Mathern; O'Connell; Schneider; Sorvaag

**NAYS:** Andrist; Berry; Bowman; Burckhard; Dever; Erbele; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Sitte; Stenehjem; Taylor; Uglem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Hogue; Triplett; Warner

Engrossed HB 1158 lost.

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### **THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Don Kilander.

### **SECOND READING OF HOUSE BILL**

**HB 1145:** A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to political subdivision reports in lieu of audits.

### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Uglem; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Hogue; Triplett; Warner

HB 1145 passed.

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### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3022:** A concurrent resolution urging the Federal Communications Commission to make substantive changes to the National Broadband Plan so that the plan does not limit the future economic livelihood and social well-being of rural consumers.

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

HCR 3022 was declared adopted on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3020:** A concurrent resolution congratulating the North Dakota Highway Patrol on its 75th anniversary.

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

HCR 3020 was declared adopted on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3007:** A concurrent resolution directing the Legislative Management to study eminent domain laws as they relate to pipeline siting.

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

HCR 3007 was declared adopted on a voice vote.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1113, HB 1139, HB 1222, HB 1391, HB 1465, HCR 3032.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1319.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1425, HB 1355.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1106, HB 1129, HB 1378.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, unchanged: SB 2142, SB 2148, SB 2208, SB 2233, SB 2237, SB 2251, SB 2259.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2137.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2048, SB 2088, SB 2174, SB 2197, SB 2203, SB 2214, SB 2223, SB 2249, SB 2280, SB 2287, SB 2346.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1066, HB 1096, HB 1130, HB 1200, HB 1271, HB 1399, HCR 3024.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed: SB 2048, SB 2088, SB 2174, SB 2197, SB 2203, SB 2214, SB 2223, SB 2249, SB 2280, SB 2287, SB 2346.

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

**MR. SPEAKER:** The President has signed: HB 1109.

**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, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, March 21, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1009, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1009 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1017: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1017 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1022: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1022 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1023: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1023 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1024: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1024 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1045, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1045 was placed on the Sixth order on the calendar.

Page 2, line 23, remove "employee of this state or of a political"

Page 2, line 24, replace "subdivision of this state" with "individual"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1097, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1097 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1132: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1132 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1133, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1133 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1141: Government and Veterans Affairs Committee (Sen. Dever, 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 1141 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "; to provide for retroactive application; and to declare an emergency"



Page 1, remove lines 17 through 22

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1163: Government and Veterans Affairs Committee (Sen. Dever, Chairman)**  
recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1163 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1164, as engrossed: Transportation Committee (Sen. G. Lee, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1164 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with ", 39-29-01,"

Page 1, line 1, after "39-29-10" insert ", and 39-29-12"

Page 1, line 3, after "age" insert "; and to provide a penalty"

Page 1, after line 18, insert:

**"SECTION 2. AMENDMENT.** Section 39-29-01 of the North Dakota Century Code is amended and reenacted as follows:

**39-29-01. Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Dealer" means any person engaged in the business of buying, selling, or exchanging off-highway vehicles or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of off-highway vehicles, or who engages in the buying of off-highway vehicles for resale.
2. "Off-highway vehicle" means any wheeled motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. An off-highway vehicle must be classified into one of the following categories:
  - a. Class I off-highway vehicle is a vehicle that does not qualify as road capable under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.
  - b. Class II off-highway vehicle is less than fifty inches [1270.00 millimeters] in width, travels on three or more low-pressure tires, has a saddle designed to be straddled by the operator, and has handlebars for steering control.
  - c. Class III off-highway vehicle weighs less than eight thousand pounds, travels on four or more tires, has a seat and a wheel for steering control, and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, unless registered by the department under chapter 39-04.
3. "Operate" means to ride in or on and control the operation of an off-highway vehicle.
4. "Operator" means an individual who operates or is in actual physical control of an off-highway vehicle.

5. "Owner" means a person, other than a lienholder, having the property in or title to an off-highway vehicle and entitled to its use or possession.
6. "Register" means the act of assigning a registration number to an off-highway vehicle.
7. "Under the direct supervision of an adult" means an adult is present in such close proximity as to have direct observation with the unaided eye, be able to direct actions, and come to the immediate aid of an off-highway vehicle operator as required by section 39-29-10."

Page 2, after line 22, insert:

**"SECTION 4. AMENDMENT.** Section 39-29-12 of the North Dakota Century Code is amended and reenacted as follows:

**39-29-12. Penalties.**

Violation of subdivision b, c, or g of subsection 5 of section 39-29-09 is a class B misdemeanor. Violation of any other provision of section 39-29-09 is an infraction for which a fee of twenty dollars must be assessed. Violation of section 39-29-02 is an infraction, for which a fee of fifty dollars must be assessed. If the individual provides proof of registration since the violation, the fee may be reduced by one-half. Violation of subsection 2 or 3 of section 39-29-10 is an infraction, for which a fee of fifty dollars must be assessed. Violation of any other provision of this chapter is an infraction, for which a fee of ten dollars must be assessed."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1191, as reengrossed: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1191 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1196: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1196 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1197: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1197 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1216, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1216 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1221, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1221 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1241, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1241 was placed on the Sixth order on the calendar.

Page 1, line 4, remove the first "and"

Page 1, line 4, after "sections" insert "38-11.1-02,"

Page 1, line 4, after "38-11.1-04" insert ", 38-11.1-08,"

Page 1, line 6, after "production" insert ", agreement with offer of settlement,"

Page 1, line 6, after "royalties" insert "; to repeal section 38-11.1-05 of the North Dakota Century Code, relating to notice of oil and gas drilling operations; and to provide an effective date"

Page 1, after line 7, insert:

**"SECTION 1. AMENDMENT.** Section 38-11.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**38-11.1-02. Purpose and interpretation.**

It is the purpose of this chapter to provide the maximum amount of constitutionally permissible protection to surface owners and other persons from the undesirable effects of development of minerals. This chapter is to be interpreted in light of the legislative intent expressed herein. Sections 38-11.1-04 and ~~38-11.1-05~~38-11.1-04.1 must be interpreted to benefit surface owners, regardless of whether the mineral estate was separated from the surface estate and regardless of who executed the document which gave the mineral developer the right to conduct drilling operations on the land. Sections 38-11.1-06 through 38-11.1-10 must be interpreted to benefit all persons."

Page 3, after line 9, insert:

**"SECTION 4. AMENDMENT.** Section 38-11.1-08 of the North Dakota Century Code is amended and reenacted as follows:

**38-11.1-08. Agreement - Offer of settlement.**

Unless both parties provide otherwise by written agreement, at the time the notice required by ~~section 38-11.1-05~~subsection 2 of section 38-11.1-04.1 is given, the mineral developer shall make a written offer of settlement to the person seeking compensation for damages when the notice required by ~~section 38-11.1-05~~subsection 2 of section 38-11.1-04.1 is given. The person seeking compensation may accept or reject any offer so made."

Page 4, line 8, overstrike "from initial" and insert immediately thereafter "after"

Page 4, line 8, after "production" insert "is marketed"

Page 4, line 9, after "operator" insert "thereafter"

Page 4, after line 24, insert:

**"SECTION 7. REPEAL.** Section 38-11.1-05 of the North Dakota Century Code is repealed.

**SECTION 8. EFFECTIVE DATE.** Sections 2 and 5 of this Act become effective for drilling operations commenced after July 31, 2011."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1343: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1343 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1364, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1364 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1393, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1393 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "A"

Page 1, remove line 9

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1395: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1395 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1415, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1415 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1421, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1421 was placed on the Sixth order on the calendar.

Page 2, after line 10, insert:

- "e. A cashier's check not to exceed ten thousand dollars in the aggregate that is drawn on an existing account at a bank, savings and loan association, credit union, or savings bank chartered under the laws of a state or the United States.
- f. A check drawn on the escrow account of another closing agent, if the closing agent in the real estate transaction has reasonable and prudent grounds to believe that sufficient funds will be available for withdrawal from the account upon which the check is drawn at the time of disbursement of funds from the escrow account of the closing agent in the real estate transaction."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1426, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, 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 1426 was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over "must be"

Page 1, line 8, after "five" insert "six"

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

Page 1, line 8, remove "may"

Page 1, remove lines 9 through 12

Page 1, line 13, remove "category in this state"

Page 1, line 15, remove the overstrike over "must be"

Page 1, line 15, after "~~seven~~" insert "nine"

Page 1, line 16, remove the overstrike over "dollars"

Page 1, line 16, remove "may not exceed an amount established by policy by the"

Page 1, remove lines 17 through 19

Page 1, line 20, remove "in the "lunch" category in this state"

Page 1, line 21, remove the overstrike over "~~must be~~"

Page 1, line 21, after "~~twelve~~" insert "fifteen"

Page 1, line 22, remove the overstrike over "dollars"

Page 1, line 22, remove "may not exceed an amount established by policy by the"

Page 1, remove lines 23 and 24

Page 2, remove line 1

Page 2, line 2, remove "in the "dinner" category in this state"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HCR 3008: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3008 was placed on the Fourteenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HCR 3021: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3021 was placed on the Fourteenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HCR 3026, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HCR 3026 was placed on the Fourteenth order on the calendar.

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

**William R. Horton, Secretary**

