

## JOURNAL OF THE SENATE

## Sixty-second Legislative Assembly

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Bismarck, March 25, 2011

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

The prayer was offered by Pastor Tom W. Olson, Trinity Lutheran Parish, Golden Valley, Dodge, and Zap.

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

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**HCR 3028, as engrossed: SEN. BURCKHARD (Natural Resources Committee) MOVED** that the amendments 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 HCR 3028 be placed at the top of the Fourteenth order, which motion prevailed.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3028:** A concurrent resolution urging Congress to adopt legislation prohibiting the Environmental Protection Agency by any legal means from regulating greenhouse emissions, including, if necessary, defunding Environmental Protection Agency greenhouse gas regulatory activities; imposing a moratorium on adoption on any new air quality regulations by the Environmental Protection Agency by any legal means, except those regulations directly addressing an imminent health or environmental emergency, for a period of at least two years; and requiring the administration to undertake a study identifying all regulatory activity the Environmental Protection Agency intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and specifying the cumulative effect of all these regulations on the economy, jobs, and American economic competitiveness.

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

Engrossed HCR 3028, as amended, was declared adopted on a voice vote.

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## MOTION

**SEN. CHRISTMANN MOVED** that HCR 3028 be messaged to the House immediately, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1044, as reengrossed: SEN. UGLEM (Human Services Committee) MOVED** that the amendments on SJ pages 855-856 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**HB 1199, as reengrossed: SEN. J. LEE (Human Services Committee) MOVED** that the amendments on SJ page 857 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**HB 1389, as engrossed: SEN. OLAFSON (Judiciary Committee) MOVED** that the amendments on SJ page 859 be adopted and then be placed on the Fourteenth order with

**DO PASS**, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**HB 1329, as engrossed: SEN. LYSON (Judiciary Committee) MOVED** that the amendments on SJ pages 858-859 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**HB 1174, as engrossed: SEN. UGLEM (Human Services Committee) MOVED** that the amendments on SJ pages 836-837 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**HB 1229, as engrossed: SEN. G. LEE (Education Committee) MOVED** that the amendments on SJ page 857 be adopted and then be placed on the Fourteenth order with **DO PASS**

#### REQUEST

**SEN. O'CONNELL REQUESTED** a recorded roll call vote, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendments to Engrossed HB 1229, the roll was called and there were 17 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Burckhard; Cook; Dotzenrod; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Laffen; Lee, G.; Lee, J.; Luick; Marcellais; Murphy; Nelson; Schaible; Triplett

**NAYS:** Andrist; Berry; Bowman; Christmann; Dever; Fischer; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Uglen; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Erbele

The motion to adopt the amendments to Engrossed HB 1229 failed.

#### CONSIDERATION OF AMENDMENTS

**HB 1248, as engrossed: SEN. FLAKOLL (Education Committee) MOVED** that the amendments on SJ page 858 be adopted and then be placed on the Fourteenth order with **DO PASS**.

#### MOTION

**SEN. STENEHJEM MOVED** that Engrossed HB 1248 be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Stenehjem's motion, Engrossed HB 1248 was rereferred.

#### CONSIDERATION OF AMENDMENTS

**HB 1007, as engrossed: SEN. KILZER (Appropriations Committee) MOVED** that the amendments on SJ pages 853-855 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**HCR 3036: SEN. SITTE (Judiciary Committee) MOVED** that the amendments on SJ pages 859-860 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**HCR 3039: SEN. BURCKHARD (Natural Resources Committee) MOVED** that the amendments on SJ page 860 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**HCR 3037: SEN. NELSON (Judiciary Committee) MOVED** that the amendments on SJ page 860 be adopted and then be placed on the Fourteenth order with **DO PASS**, which

motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**HB 1244, as amended: SEN. MILLER (Agriculture Committee) MOVED** that the amendments on SJ pages 857-858 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 1244 be placed at the top of the Fourteenth order, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1244:** A BILL for an Act to create and enact a new section to chapter 4-01 of the North Dakota Century Code, relating to equine carcasses.

#### 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, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Mathern

**ABSENT AND NOT VOTING:** Erbele

HB 1244, as amended, passed.

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#### MOTION

**SEN. UGLEM MOVED** that the Senate reconsider its action whereby Reengrossed HB 1191 failed to pass, which motion prevailed on a verification vote.

#### SECOND READING OF HOUSE BILL

**HB 1191:** A BILL for an Act to amend and reenact section 39-04-12, subsection 1 of section 39-04-18, and subsection 4 of section 39-04-19 of the North Dakota Century Code, relating to semitrailer plates; 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 22 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Burckhard; Dever; Fischer; Grindberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Luick; Marcellais; Mathern; Miller; Nelson; O'Connell; Olafson; Schaible; Schneider; Stenehjerm; Taylor; Uglem; Wanzek

**NAYS:** Andrist; Berry; Bowman; Christmann; Cook; Dotzenrod; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Lee, G.; Lee, J.; Lyson; Murphy; Nething; Nodland; Oehlke; Robinson; Sitte; Sorvaag; Triplett; Wardner; Warner

**ABSENT AND NOT VOTING:** Erbele

Reengrossed HB 1191 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1112:** A BILL for an Act to amend and reenact section 21-04-09 and subsection 1 of section 21-06-07 of the North Dakota Century Code, relating to public deposits.

**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; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; 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; Triplett; Uglem; Wanzek; Warner

**ABSENT AND NOT VOTING:** Erbele; Wardner

HB 1112, as amended, passed.

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**ANNOUNCEMENT**

**THE PRESIDENT PRO TEMPORE ANNOUNCED** that he intended to vote "AYE" on HB 1112.

**SECOND READING OF HOUSE BILL**

**HB 1251:** A BILL for an Act to create and enact a new section to chapter 44-08 and a new section to chapter 54-40.3 of the North Dakota Century Code, relating to cooperative agreements among criminal justice agencies; and to declare an emergency.

**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 28 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Cook; Dotzenrod; Fischer; Flakoll; Freborg; Heckaman; Holmberg; Klein; Krebsbach; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Murphy; Nelson; Nething; Nodland; Olafson; Robinson; Schneider; Sorvaag; Taylor; Uglem; Wanzek; Warner

**NAYS:** Bowman; Burckhard; Christmann; Dever; Grindberg; Hogue; Kilzer; Laffen; Larsen; Lyson; Miller; O'Connell; Oehlke; Schaible; Sitte; Stenehjerm; Triplett; Wardner

**ABSENT AND NOT VOTING:** Erbele

Engrossed HB 1251, as amended, passed but the emergency clause failed.

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**SECOND READING OF HOUSE BILL**

**HB 1310:** A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to transfers to district court.

**ROLL CALL**

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; 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; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Erbele

Engrossed HB 1310, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1338:** A BILL for an Act to amend and reenact section 12-67-02 of the North Dakota Century Code, relating to electronic home detention for certain 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; 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; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Erbele

Engrossed HB 1338, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1092:** A BILL for an Act to create and enact a new subsection to section 15-20.4-02 of the North Dakota Century Code, relating to exemption of certain institutions from regulation by the state board for career and technical education; and to amend and reenact subsection 2 of section 15-20.4-03 and subsections 2 and 12 of section 43-12.1-04 of the North Dakota Century Code, relating to authorization to operate academic or professional postsecondary educational institutions and exemptions from the Nurse Practices Act.

**ROLL CALL**

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; 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; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Erbele

Engrossed HB 1092, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1124:** A BILL for an Act to create and enact a new subsection to section 57-38-01.8 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to the individual income tax credit for installation of geothermal and wind energy devices; to amend and reenact subsection 3 of section 57-35.3-05, section 57-35.3-07, subsections 1 and 6 of section 57-38-01.21, section 57-38-01.28, subsection 1 of section 57-38-01.31, section 57-38-29.3, subsections 2 and 3 of section 57-38-30.3, section 57-38-59.2, subsection 1 of section 57-38.3-02, subsection 3 of section 57-38.3-04, section 57-38.4-01, and subsection 1 of section 57-38.4-02 of the North Dakota Century Code, relating to the tuition scholarship tax credit for financial institution tax purposes, the tax credit for planned gifts and qualified endowments, the marriage penalty tax credit, the employer tax credit for mobilized employees, the long-term care partnership plan insurance coverage tax credit, the qualified dividend and long-term capital gain income tax exclusion, return

filing requirements for individuals, withholding on lottery winnings, setoff of income tax refunds by the internal revenue service, and the use of the domestic disclosure spreadsheet for the water's edge method election for reporting income; and to provide an effective date.

#### ROLL CALL

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; 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; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Erbele

HB 1124, as amended, passed.

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#### SECOND READING OF HOUSE BILL

**HB 1252:** A BILL for an Act to establish a legislative management health care reform review committee.

#### ROLL CALL

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; 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; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Erbele

HB 1252, as amended, passed.

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#### SECOND READING OF HOUSE BILL

**HB 1246:** A BILL for an Act to amend and reenact subsection 9 of section 57-02-08 of the North Dakota Century Code, relating to the property tax exemption for church property; to provide for a legislative management study; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; 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; Triplett; Uglem; Wanzek; Wardner; Warner

**NAYS:** Kilzer

**ABSENT AND NOT VOTING:** Erbele

Engrossed HB 1246, as amended, passed.

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### SECOND READING OF HOUSE BILL

**HB 1380:** A BILL for an Act to amend and reenact subsection 7 of section 53-06.1-01 of the North Dakota Century Code, relating to the definition of eligible organization for charitable gaming purposes.

### 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 33 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Berry; Burckhard; Christmann; Cook; Dotzenrod; Flakoll; Freborg; Grindberg; Heckaman; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lyson; Marcellais; Miller; Murphy; Nelson; Nodland; O'Connell; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Warner

**NAYS:** Andrist; Bowman; Dever; Fischer; Hogue; Holmberg; Lee, G.; Lee, J.; Luick; Mathern; Nothing; Oehlke; Wardner

**ABSENT AND NOT VOTING:** Erbele

HB 1380 passed.

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### SECOND READING OF HOUSE BILL

**HB 1238:** A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-03 of the North Dakota Century Code, relating to authorized charitable gaming under a charity local permit.

### 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, 37 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Berry; Burckhard; Dotzenrod; Miller; Murphy; Olafson; Schneider; Taylor; Triplett

**NAYS:** Andrist; Bowman; Christmann; Cook; Dever; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Nelson; Nothing; Nodland; O'Connell; Oehlke; Robinson; Schaible; Sitte; Sorvaag; Stenehjerm; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Erbele

HB 1238 lost.

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### SECOND READING OF HOUSE BILL

**HB 1179:** A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to the conduct and play of the horse racing game; and to amend and reenact subsection 2 of section 53-06.1-03 of the North Dakota Century Code, relating to the games eligible organizations are authorized to conduct.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Wardner

**NAYS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; 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; Triplett; Uglem; Wanzek; Warner

**ABSENT AND NOT VOTING:** Erbele

Engrossed HB 1179 lost.

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### SECOND READING OF HOUSE BILL

**HB 1117:** A BILL for an Act to repeal section 54-12-01.2 of the North Dakota Century Code, relating to the authority to regulate gaming schools.

### ROLL CALL

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; 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; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Erbele

HB 1117 passed.

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### SECOND READING OF HOUSE BILL

**HB 1008:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions.

### ROLL CALL

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; 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; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Erbele

Engrossed HB 1008 passed.

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### SECOND READING OF HOUSE BILL

**HB 1407:** A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to hunting of Canada geese by nonresidents; to provide for a study; to provide an effective date; and to provide an expiration date.

### 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 28 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.



**YEAS:** Andrist; Bowman; Christmann; Dever; Dotzenrod; Heckaman; Hogue; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Murphy; Nelson; Nodland; O'Connell; Oehlke; Olafson; Schaible; Sitte; Stenehjem; Taylor; Uglem; Wardner; Warner

**NAYS:** Berry; Burckhard; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Laffen; Marcellais; Mathern; Miller; Nething; Robinson; Schneider; Sorvaag; Triplett; Wanzek

**ABSENT AND NOT VOTING:** Erbele

Engrossed HB 1407 passed.

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

**HB 1038:** A BILL for an Act to create and enact chapter 13-11 of the North Dakota Century Code, relating to the regulation of debt-settlement providers; to amend and reenact subsection 1 of section 6-01-01.1 and section 13-07-01 of the North Dakota Century Code, relating to the financial institutions regulatory fund and the definition of consumer credit counseling service; to repeal chapter 13-06 of the North Dakota Century Code, relating to regulation of debt adjusters; and to provide a penalty.

#### **ROLL CALL**

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; 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; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Erbele

Engrossed HB 1038, as amended, passed.

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

**HB 1454:** A BILL for an Act to amend and reenact sections 20.1-01-08 and 20.1-01-09 and subsection 3 of section 20.1-05-04 of the North Dakota Century Code, relating to the taking of beaver.

#### **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 37 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Burckhard; Cook; Dever; Freborg; Nelson; O'Connell; Schneider; Triplett

**ABSENT AND NOT VOTING:** Erbele; Warner

Engrossed HB 1454 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1466:** A BILL for an Act to create and enact a new section to chapter 15-02 of the North Dakota Century Code, relating to the authority of the board of university and school lands.

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

**YEAS:** Schaible; Wanzek

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

**ABSENT AND NOT VOTING:** Erbele

Engrossed HB 1466 lost.

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**MOTION**

**SEN. CHRISTMANN MOVED** that Senate Rule 329, subsection 4, be amended to change "fifty-fourth legislative day" to "fifty-fifth legislative day", which motion prevailed.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1055, HB 1072, HB 1165, HB 1211, HB 1215, HB 1230, HB 1304, HB 1371, HB 1419, HB 1464, HCR 3003.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1125, HB 1461.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1010, HB 1175, HB 1328.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HCR 3028.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1336.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HCR 3043.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2077, SB 2121, SB 2171, SB 2243, SB 2326, SCR 4001, SCR 4014, SCR 4017.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2065, SB 2073, SB 2085, SB 2193, SB 2246, SCR 4003.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2065**

Page 1, line 16, remove "or meal attended at the request of and"

Page 1, remove line 17

Page 1, line 18, remove "commissions"

Page 1, line 20, replace "an" with "a higher education"

Page 1, line 21, remove "state or any of its subdivisions, agencies, bureaus, boards, or"

Page 1, line 22, replace "commissions" with "institution"

Renumber accordingly

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2073**

Page 1, line 1, after "reenact" insert "section 16.1-08.1-01,"

Page 1, line 3, after "to" insert "the definition of direct expenditures and"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 16.1-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

##### **16.1-08.1-01. Definitions.**

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

1. "Association" means any club, association, union, brotherhood, fraternity, organization, or group of any kind of two or more persons, including labor unions, trade associations, professional associations, or governmental associations, which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. The term does not include corporations, cooperative corporations, limited liability companies, political committees, or political parties.
2. "Candidate" means an individual who seeks nomination for election or election to public office, and includes:
  - a. A person holding public office;
  - b. A person who has publicly declared that person's candidacy for nomination for election or election to public office or has filed or accepted a nomination for public office;
  - c. A person who has formed a campaign or other committee for that person's candidacy for public office;
  - d. A person who has circulated a nominating petition to have that person's name placed on the ballot; and
  - e. A person who has, in any manner, solicited or received a contribution for that person's candidacy for public office, whether before or after the election for that office.
3. "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription, loan, advance, deposit of money, or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to public office or aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure. The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes. The term includes funds received by a candidate for public office or a political party or committee which are transferred or signed over to that candidate, party, or committee from another candidate, party, or political committee or other source. The term "anything of value" includes any good or service of

more than a nominal value. The term "nominal value" means the cost, price, or worth of the good or service is trivial, token, or of no appreciable value. The term "contribution" does not include:

- a. A loan of money from a bank or other lending institution made in the regular course of business.
  - b. Time spent by volunteer campaign or political party workers.
  - c. Money spent by a candidate on the candidate's own behalf.
  - d. Money or anything of value received for commercial transactions, including rents, advertising, or sponsorships made as a part of a fair market value bargained-for exchange.
  - e. Money or anything of value received by a candidate in that person's personal capacity, including pursuant to a contract or agreement made for personal or private employment purposes, and not received for a political purpose or to influence the performance of that person's official duty.
  - f. Contributions of products or services for which the actual cost or fair market value are reimbursed by a payment of money.
4. "Cooperative corporations", "corporations", and "limited liability companies" are as defined in this code, and for purposes of this chapter "corporations" includes nonprofit corporations.
  5. "Direct expenditure" means an expenditure made by a corporation, cooperative corporation, limited liability company, or association for the specific purpose of promoting passage or defeat of an initiated or referred measure without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of a measure committee.
  6. "Expenditure" means a gift, transfer, conveyance, provision, loan, advance, payment, distribution, disbursement, outlay, or deposit of money or anything of value, except a loan of money from a bank or other lending institution made in the regular course of business, made for the direct purpose of influencing the passage or defeat of a measure or the nomination for election, or election, of any individual to office. The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure and includes the transfer of funds by a political committee to another political committee.
  - 6-7. "Patron" means a person who owns equity interest in the form of stock, shares, or membership or maintains similar financial rights in a cooperative corporation.
  - 7-8. "Person" means an individual, partnership, political committee, association, corporation, cooperative corporation, limited liability company, or other organization or group of persons.
  - 8-9. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures for political purposes and includes the following:
    - a. A political action committee, derived from a corporation, cooperative corporation, limited liability company, or an association that is prohibited from making direct contributions for political purposes under section 16.1-08.1-03.3, and which solicits or receives contributions or makes expenditures for political purposes;

- b. A candidate committee, established to support an individual candidate seeking statewide office, that solicits or receives contributions for political purposes;
  - c. An organization governed by section 527 of the Internal Revenue Code [26 U.S.C. 527], which solicits or receives contributions or makes expenditures for political purposes;
  - d. A multicandidate political committee, established to support multiple groups or slates of candidates seeking public office, that solicits or receives contributions for political purposes; and
  - e. A measure committee that solicits or receives contributions for the purpose of aiding or opposing a measure to be voted upon by the voters of the state.
- ~~9-10.~~ "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.
- ~~40-11.~~ "Political purpose" means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. The term does not include activities undertaken in the performance of a duty of a state office or any position taken in any bona fide news story, commentary, or editorial.
- ~~44-12.~~ "Public office" means every office to which persons can be elected by vote of the people under the laws of this state."

Page 4, line 5, remove "in"

Page 4, line 6, remove "exchange for any meal or food item provided"

Page 4, line 7, after "committee" insert "at which a meal is served"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2085

Page 1, line 1, remove "subsection 3 to section 4.1-47-05 and"

Page 1, line 2, remove "the process by"

Page 1, line 3, remove "which the noxious weed list is amended and"

Page 1, remove lines 14 through 17

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2193

Page 1, line 10, replace "two" with "seven"

Page 1, line 19, remove "political subdivision that has zoning or subdivision regulation authority or"

Page 1, line 20, replace "taxing authority over" with "city, county, or township directly affected by"

Page 2, line 16, replace "two" with "seven"

Page 2, line 23, replace "two" with "seven"

Page 2, line 25, remove "political subdivision that has zoning or subdivision"

Page 2, line 26, replace "regulation authority or taxing authority over" with "city, county, or township directly affected by"

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2246

Page 3, line 15, after "dollar" insert "and fifty cents"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT RESOLUTION NO. 4003

Page 1, line 1, after "Initiative" insert ", its private enterprise partners,"

Page 1, line 13, after the semicolon insert "and

**WHEREAS**, North Dakota telecommunication companies have played and will continue to play an important role in supporting the Northern Tier Network Technology Initiative;"

Page 1, line 17, after "Initiative" insert ", its private enterprise partners,"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2213, SB 2255.

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2213

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

Page 1, line 10, overstrike "not more than"

Page 1, line 11, after "period" insert "and upon approval of the employee's supervisor and the director of the office of management and budget, the employee may take, in any twelve-month period, up to an additional ten percent of the employee's accrued sick leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition"

Page 1, after line 13, insert:

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

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2255

Page 2, line 21, remove the overstrike over "~~In addition, the dealer shall maintain that person's~~"

Page 2, line 22, remove the overstrike over "~~business records in one central location.~~"

Page 2, line 22, remove "All records or copies of records related to the"

Page 2, remove lines 23 and 24

Page 3, line 6, remove "A dealer license may not be issued until the applicant furnishes proof satisfactory to"

Page 3, remove lines 7 through 22

Page 3, line 23, remove "3."

Page 3, line 25, remove "The licensee must furnish proof satisfactory to the director that the premises"

Page 3, remove line 26

Page 3, line 27, replace "4." with "2."

Page 3, line 28, remove "if there is a primary established place of business in this state"

Page 3, line 29, remove "with a"

Page 3, remove lines 30 and 31

Page 4, remove lines 1 and 2

Page 4, line 3, remove "primary and secondary lots or equipment shows"

Page 4, line 4, replace "5." with "3."

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2296, SB 2349.

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2167, SB 2238, SB 2354.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1167, HB 1260, HB 1467.

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

**MR. SPEAKER:** The President has signed: HB 1132, HB 1133, HB 1182, HB 1335, HB 1428, HB 1459, HCR 3019, HCR 3021, HCR 3022, HCR 3026, HCR 3040.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1026, HB 1027, HB 1028, HB 1064, HB 1065, HB 1073, HB 1076, HB 1078, HB 1079, HB 1081, HB 1082, HB 1083, HB 1084, HB 1088, HB 1098, HB 1101, HB 1102, HB 1104, HB 1108, HB 1115, HB 1116, HB 1118, HB 1121, HB 1122, HB 1131, HB 1135, HB 1157, HB 1180, HB 1183, HB 1192, HB 1223, HB 1240, HB 1273, HB 1288, HB 1315, HB 1341, HB 1365, HB 1366, HB 1388, HB 1436.

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, March 28, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1127, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1127

was placed on the Sixth order on the calendar.

Page 1, line 5, after the second semicolon insert "to provide an effective date;"

Page 4, line 1, after the second boldfaced period insert "The citations to federal laws and rules in this Act refer to the versions in effect on the effective date of this Act."

Page 4, after line 8, insert:

**"SECTION 7. EFFECTIVE DATE.** This Act becomes effective on July 1, 2011."

Renumber accordingly

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

**HB 1160, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1160 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 1171: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1171 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1190: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1190 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1195: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1195 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1217, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1217 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1292, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1292 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1302, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1302 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1308: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1308 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1352, 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 1352 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 2, after "penalty" insert "; and to provide an appropriation"

Page 2, line 9, replace "a person" with "an individual"

Page 2, line 11, replace the first "person" with "individual"

Page 2, line 11, replace the second "person" with "individual"

Page 2, remove lines 13 through 15

Page 2, line 16, replace "which that individual is licensed" with "prevent or restrict the practice, services, or activities of any individual licensed in another profession or any individual supervised by a licensed professional from performing work incidental to the practice of that profession or occupation, if that individual does not represent the individual as a music therapist"

Page 2, line 20, replace "one hundred" with "fifty"

Page 2, line 29, remove "is"

Page 2, replace lines 30 and 31 with "holds the music therapist board-certified credential from the certification board for music therapists or holds a professional designation from the national music therapy registry, which includes registered music therapist, certified music therapist, and advanced certified music therapist."

Page 3, line 5, replace "person that" with "individual who"

Page 3, after line 6, insert:

**"SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the state department of health operating fund, not otherwise appropriated, the sum of \$4,500, or so much of the sum as may be necessary, to the state department of health for the purpose of establishing and maintaining a music therapist registry, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1368, as reengrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1368 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1406, as engrossed: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1406 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1442, as engrossed: Transportation Committee (Sen. G. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1442 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to amend and reenact section 39-21-45.1 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to modification of motor vehicles; and"

Page 1, line 2, after "study" insert "relating to consistency of regulations for drivers and motor vehicles"

Page 1, remove lines 4 through 24

Page 2, remove lines 1 through 20

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3027: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3027 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "of no confidence in the Natural Resources Conservation Service's state"

Page 1, line 2, remove "conservationist and"

Page 2, line 2, remove "and"

Page 2, remove lines 3 through 6

Page 2, line 9, remove "adopts this concurrent resolution of no"

Page 2, line 10, remove "confidence in the state conservationist and"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3028, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3028 was placed on the Sixth order on the calendar.

Page 1, line 2, after "any" insert "legal"

Page 1, line 2, remove "necessary"

Page 1, line 5, after "any" insert "legal"

Page 1, line 5, remove "necessary"

Page 1, line 5, after "those" insert "regulations"

Page 1, line 6, remove ", including defunding"

Page 1, line 7, remove "Environmental Protection Agency air quality regulatory activities"

Page 1, line 17, remove "become known as the "train wreck" because of the"

Page 1, line 18, replace "because of the potentially devastating" with "may have negative"

Page 1, line 18, remove "this"

Page 1, line 19, remove "regulatory activity may have"

Page 2, line 28, after "any" insert "legal"

Page 2, line 28, remove "necessary"

Page 3, line 1, remove the second comma

Page 3, line 2, remove "including defunding Environmental Protection Agency air quality regulatory activities"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3031, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3031 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3033: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HCR 3033 was placed on the Fourteenth order on the calendar.

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

**William R. Horton, Secretary**