

JOURNAL OF THE HOUSE

Sixty-third Legislative Assembly

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Bismarck, March 18, 2013

The House convened at 1:00 p.m., with Speaker Devlin presiding.

The prayer was offered by Representative David Rust, District 2..

The roll was called and all members were present.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Forty-fourth and Forty-sixth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 898, line 31, replace "House" with "Joint"

Page 901, line 11, replace "House" with "Joint"

Page 940, after line 1, insert:

"MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1120."

REP. KRETSCHMAR MOVED that the report be adopted, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

REP. KLEMIN rose on a point of personal privilege.

REMARKS OF REPRESENTATIVE KLEMIN

MR. SPEAKER: Congratulations to the Bismarck Century High School girls' basketball team for winning the State Class A championship at the Bismarck Civic Center on Saturday, March 16. The Century Patriots defeated the West Fargo Packers in a decisive victory by the score of 73 to 39. The Patriots were impressive on the basketball court on both offense and defense and ended their season with a 22 and 3 record. The Patriots won their second straight state championship and their third in four years.

Hannah Larson scored a game high 22 points and was named Senior Class A Athlete of the Year. Larson was joined on the all-tournament team by her teammates, Alex Hopkins and Macy Lynch. The Century Patriots are coached by Ron Metz, who was named Coach of the Year.

We congratulate the Century Patriots girls' basketball team - State Class A Champions for 2013!

REQUEST

REP. VIGESAA REQUESTED that the remarks of Rep. Klemin be printed in the Journal, which request was granted.

SIXTH ORDER OF BUSINESS

SPEAKER DEVLIN DEEMED approval of the amendments to Engrossed SB 2043, SB 2162, SB 2231, and Engrossed SB 2306.

Engrossed SB 2043, SB 2162, SB 2231, and Engrossed SB 2306, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3006: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to prohibition of the imposition of mortgage taxes or any sales or transfer taxes on the mortgage or transfer of real property.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 93 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Laning

Engrossed HCR 3006 was declared adopted on a recorded roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3037: A concurrent resolution to amend and reenact section 5 of article VIII of the Constitution of North Dakota, relating to support for nonpublic schools.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 47 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Becker; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Frantsvog; Grande; Headland; Karls; Kasper; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Laning; Larson; Looyen; Louser; Maragos; Meier; Nathe; Owens; Paur; Pollert; Porter; Rohr; Ruby; Schatz; Schmidt; Silbernagel; Steiner; Streyle; Thoreson; Toman; Trottier; Vigasaa; Wieland; Speaker Devlin

NAYS: Amerman; Anderson; Beadle; Boe; Boschee; Delmore; Drovdal; Fehr; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsh, J.; Kelsh, S.; Kreidt; Kreun; Martinson; Mock; Monson; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Rust; Sanford; Skarphol; Strinden; Sukut; Wall; Weisz; Williams; Zaiser

Engrossed HCR 3037 was declared lost on a recorded roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3044: A concurrent resolution to create and enact a new section to article III of the Constitution of North Dakota, relating to referral of actions of the state board of higher education.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 23 YEAS, 71 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Beadle; Bellew; Boehning; Delzer; Fehr; Frantsvog; Grande; Hanson; Hatlestad; Headland; Heilman; Hogan; Kiefert; Koppelman, B.; Koppelman, K.; Maragos; Martinson; Nelson, J.; Nelson, M.; Thoreson; Toman; Wall; Williams

NAYS: Amerman; Anderson; Becker; Belter; Boe; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dockter; Dosch; Drovdal; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hawken; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Klein; Klemin; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Meier; Mock; Monson; Mooney; Muscha; Nathe; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Trottier; Vigasaa; Weisz; Wieland; Zaiser; Speaker Devlin

Engrossed HCR 3044 was declared lost on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2270: A BILL for an Act to amend and reenact subsection 1 of section 48-01.2-04 and subsection 3 of section 48-01.2-19 of the North Dakota Century Code, relating to the publication of advertisements for bids for public improvement contracts.

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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

SB 2270 passed.

SECOND READING OF SENATE BILL

SB 2311: A BILL for an Act to amend and reenact section 53-06.1-10.1 of the North Dakota Century Code, relating to cash prize limits for raffles.

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 70 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Belter; Boehning; Boschee; Brabandt; Carlson; Delmore; Dockter; Drovdal; Fehr; Frantsvog; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Hofstad; Hogan; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Owens; Paur; Rust; Sanford; Schatz; Schmidt; Silbernagel; Streyle; Strinden; Sukut; Thoreson; Trottier; Vigasaa; Wall; Wieland; Williams; Zaiser

NAYS: Bellew; Boe; Brandenburg; Damschen; Delzer; Dosch; Froseth; Glassheim; Grande; Heller; Holman; Karls; Laning; Larson; Nelson, M.; Pollert; Porter; Rohr; Ruby; Skarphol; Steiner; Toman; Weisz; Speaker Devlin

SB 2311 passed.

MOTION

REP. VIGESAA MOVED that SB 2209 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2209: A BILL for an Act to amend and reenact sections 32-15-21 and 49-22-07 of the North Dakota Century Code, relating to eminent domain siting of an energy conversion facility or a transmission facility.

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 66 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Becker; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Frantsvog; Froseth; Grande; Gruchalla; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Nathe; Nelson, J.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Silbernagel; Streyle; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Speaker Devlin

NAYS: Amerman; Boe; Boschee; Delmore; Fehr; Glassheim; Guggisberg; Haak; Hanson; Hogan; Holman; Hunsakor; Kelsh, J.; Kelsh, S.; Mock; Monson; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Rust; Skarphol; Steiner; Strinden; Sukut; Williams; Zaiser

SB 2209 passed.

SECOND READING OF SENATE BILL

SB 2047: A BILL for an Act to amend and reenact section 54-35-23 of the North Dakota Century Code, relating to the committee on tribal and state relations.

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 85 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Belter; Boe; Boehning; Boschee; Brandenburg; Damschen; Delmore; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Steiner; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser

NAYS: Bellew; Brabandt; Carlson; Delzer; Grande; Headland; Skarphol; Streyle; Speaker Devlin

SB 2047, as amended, passed.

MOTION

REP. VIGESAA MOVED that Engrossed SB 2306, as amended, which is on the Fourteenth

order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2306, as amended, was rereferred.

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 19, 2013, which motion prevailed.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has temporarily amended Joint Rule 203(2), replacing "forty-fifth legislative day" with "forty-sixth legislative day".

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 3035, HCR 3047.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, unchanged: SB 2102.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, unchanged: SCR 4001, SCR 4005, SCR 4012, SCR 4013.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2142, SB 2147, SB 2185.

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 2151.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HB 1305, HB 1456.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1085.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1085

Page 1, line 3, after the semicolon insert "and"

Page 1, line 4, after the fifth comma insert "and"

Page 1, line 5, after the first comma insert "and"

Page 2, line 1, after the comma insert "and"

Page 11, remove lines 24 through 31

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1373.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1068, HB 1111, HB 1115, HB 1150, HB 1158, HB 1187, HB 1194, HB 1214, HB 1280, HB 1293, HB 1417, HB 1443, HB 1468.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2062, SB 2111, SB 2117, SB 2122, SB 2141, SB 2154, SB 2284, SB 2334.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HB 1068, HB 1111, HB 1115, HB 1150, HB 1158,

HB 1187, HB 1194, HB 1214, HB 1280, HB 1293, HB 1417, HB 1443, HB 1468.

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

MR. PRESIDENT: The Speaker has signed: SB 2062, SB 2111, SB 2117, SB 2122, SB 2141, SB 2154, SB 2284, SB 2334.

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

MR. SPEAKER: The President has signed: SB 2062, SB 2111, SB 2117, SB 2122, SB 2141, SB 2154, SB 2284, SB 2334.

REPORT OF STANDING COMMITTEE

SB 2026, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2026 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2046, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2046 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 7 of section 39 06-04 and"

Page 1, line 1, after the first comma insert "39-06.2-06,"

Page 1, line 1, after the second comma insert "39-06.2-08, 39-06.2-08.1,"

Page 1, line 2, after the second comma insert "39-06.2-10.5, 39-06.2-12,"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 7 of section 39-06-04 of the North Dakota Century Code is amended and reenacted as follows:

7. The director may issue a commercial ~~driver's instruction~~learner's permit under section 39-06.2-07."

Page 1, line 15, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 2, line 2, replace "11793.40" with "11793.86"

Page 2, line 3, replace "combination" with "vehicle"

Page 3, line 10, remove the overstrike over ~~""Driver's license" means a license issued by a state to an individual which authorizes"~~

Page 3, remove the overstrike over line 11

Page 3, line 12, remove the overstrike over "44."

Page 3, remove the overstrike over lines 15 and 16

Page 3, line 17, remove the overstrike over "46."

Page 3, line 17, remove "14."

Page 3, line 20, remove the overstrike over "47."

Page 3, line 20, remove "15"

Page 3, line 22, remove the overstrike over "48."

Page 3, line 22, remove "16."

Page 3, line 24, remove the overstrike over "49."

Page 3, line 24, remove "17."

Page 3, line 25, remove the overstrike over "20."

Page 3, line 25, remove "18."

Page 4, line 1, remove the overstrike over "21."

Page 4, line 1, remove "19."

Page 4, line 5, remove the overstrike over "22."

Page 4, line 5, remove "20."

Page 4, line 10, remove the overstrike over "23."

Page 4, line 10, remove "21"

Page 4, line 14, replace "22." with "24."

Page 4, line 17, replace "23." with "25."

Page 4, line 19, replace "24." with "26."

Page 4, line 20, after "license" insert "or a commercial learner's permit"

Page 4, line 22, replace "25." with "27."

Page 4, line 24, replace "26." with "28."

Page 5, line 4, replace "driver's instruction" with "learner's"

Page 5, line 6, replace "driver's instruction" with "learner's"

Page 5, line 9, remove "driver's"

Page 5, line 10, replace "instruction" with "learner's"

Page 5, line 12, replace "driver's instruction" with "learner's"

Page 5, line 16, after "law" insert "or local law or ordinance"

Page 5, line 18, replace "27." with "29."

Page 5, line 19, replace "28." with "30."

Page 5, line 20, replace "a tank" with "one or more tanks"

Page 5, line 27, overstrike "29." and insert immediately thereafter "31."

Page 6, line 14, replace "30." with "32."

Page 6, line 17, replace "31." with "33."

Page 6, line 21, replace "32." with "34."

Page 6, line 22, replace "33." with "35."

Page 6, after line 27, insert:

"SECTION 3. AMENDMENT. Subsection 1 of section 39-06.2-06 of the North Dakota Century Code is amended and reenacted as follows:

1. Except when driving under a commercial ~~driver's instruction~~learner's permit and accompanied by the holder of a commercial driver's license

valid for the vehicle being driven, ~~no person~~ an individual may not drive a commercial motor vehicle on the highways of this state unless the ~~person~~ individual holds and is in immediate possession of a commercial driver's license with applicable endorsements valid for the vehicle the ~~person~~ individual is driving. This subsection does not apply:

- a. When the vehicle being driven is a house car or a vehicle towing a travel trailer being used solely for personal rather than commercial purposes.
- b. When the vehicle being driven constitutes emergency or firefighting equipment necessary to the preservation of life or property.
- c. When the vehicle is being driven for military purposes, subject to any limitations imposed by 49 CFR part 383.3(c)."

Page 7, line 23, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 8, line 1, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 8, line 4, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 8, after line 15, insert:

"SECTION 5. AMENDMENT. Section 39-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-08. Application for commercial driver's license.

1. The application for a commercial driver's license or commercial ~~driver's-instruction~~ learner's permit must include the following:
 - a. The full name and current mailing address of the applicant;
 - b. A physical description of the applicant, including sex, height, weight, and eye and hair color;
 - c. Date of birth;
 - d. The applicant's social security number, unless the application is for a ~~nonresident~~ nondomiciled commercial driver's license and the applicant is a resident of a foreign jurisdiction;
 - e. The applicant's signature;
 - f. The certifications including those required by 49 CFR part 383.71;
 - g. Any other information required by the director; and
 - h. A consent to release driving record information.
2. The application must be accompanied by an application fee of fifteen dollars. The application must contain any other information as the director may require to improve identity security. The director may require an applicant for a commercial license or commercial ~~instruction~~ learner's permit to provide a social security card and proof of residence address.
3. When the holder of a commercial driver's license changes the holder's name or mailing address, an application for a duplicate license must be made as provided in section 39-06-18.
4. An individual who has been a resident of this state for thirty days may not drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

5. Any individual who knowingly falsifies information or certifications required under subsection 1 is subject to suspension, revocation, cancellation, or disqualification of the individual's commercial driver's license or pending application for a period of at least sixty consecutive days.

SECTION 6. AMENDMENT. Section 39-06.2-08.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-08.1. Commercial driver's license medical certification requirements.

1. The director may issue a commercial driver's ~~instruction~~learner's permit or commercial driver's license to a North Dakota resident who meets the medical qualification and certification requirements pursuant to the limitations of 49 CFR parts 383 and 391.
2. Every individual who makes application for a commercial driver's ~~instruction~~learner's permit or commercial driver's license ~~must~~shall certify that the individual meets the qualification requirements contained in 49 CFR part 391 or certify that the individual's commercial transportation is entirely in intrastate commerce and is not subject to 49 CFR part 391.
3. The application will contain the following categories to comply with the commercial driver's certification requirements:
 - a. Interstate and subject to 49 CFR part 391.
 - b. Interstate, but operating exclusively in transportation or operations excepted under 49 CFR part 390.3(f), 391.2, 391.68, or 398.3.
 - c. Intrastate and subject to state driver's qualification requirements.
 - d. Intrastate, but operating exclusively in transportation or operations excepted from all or part of the state driver's qualification requirements.
4. Every individual who makes application for or holds a commercial driver's ~~instruction~~learner's permit or commercial driver's license ~~must~~shall submit a copy of the individual's medical certificate to the director unless the commercial transportation is not subject to 49 CFR part 391.
5. The director will downgrade or remove the commercial driving privilege from the license if the medical certificate expires and the driver does not change the driver's certification if the driver is no longer subject to 49 CFR part 391.
6. If the driver provides a current medical certification, the director shall upgrade without retesting the license of a driver which was downgraded under this section."

Page 9, line 5, overstrike "nonresident" and insert immediately thereafter "nondomiciled"

Page 12, line 7, after "than" insert "sixty days for providing false information to the department related to the issuance of a commercial permit or commercial license or for a period of not less than"

Page 13, line 25, replace "instruction" with "learner's"

Page 13, line 30, replace "instruction" with "learner's"

Page 14, line 3, replace "instruction" with "learner's"

Page 14, line 7, replace "instruction" with "learner's"

Page 14, line 11, replace "instruction" with "learner's"

Page 14, line 15, replace "instruction" with "learner's"

Page 14, line 20, replace "instruction" with "learner's"

Page 15, line 9, overstrike "nonresident" and insert immediately thereafter "nondomiciled"

Page 15, line 11, overstrike "driver's instruction" and insert immediately thereafter "learner's"

Page 15, after line 11, insert:

"SECTION 10. AMENDMENT. Section 39-06.2-10.5 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-10.5. Revocation of privilege to drive commercial motor vehicle upon refusal to submit to testing.

If a person refuses to submit to testing under section 39-06.2-10.2, the law enforcement officer shall immediately take possession of the person's driver's license and issue to that person a temporary driver's permit. The director, upon the receipt of that person's driver's license and a certified written report of the law enforcement officer in the form required by the director, forwarded by the officer within five days after issuing the temporary driver's permit, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a commercial motor vehicle while in violation of section 39-06.2-10.1 or, had reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully detained, and that the person had refused to submit to the screening test under section 39-06.2-10.2, shall revoke that person's commercial driver's license or permit to drive and any ~~nonresident~~nondomiciled commercial driver's privilege for the appropriate period under section 39-06.2-10, or if the person is a resident without a commercial driver's license or permit, the director shall deny to the person the issuance of a commercial driver's license or permit for the appropriate period under section 39-06.2-10 after the date of the alleged violation, subject to the opportunity for a prerevocation hearing and postrevocation review as provided in this chapter. In the revocation of the person's driver's license the director shall give credit for time in which the person was without a driver's license after the day of the person's refusal to submit to the test except that the director may not give credit for time in which the person retained driving privileges through a temporary driver's permit.

SECTION 11. AMENDMENT. Section 39-06.2-12 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-12. Notification of traffic convictions.

Within ten days after receiving a report of the conviction of any ~~nonresident~~nondomiciled holder of a commercial driver's license for any violation of state or local ordinance relating to motor vehicle traffic control, other than parking violations, committed in a commercial motor vehicle, the director shall notify the driver's licensing authority in the licensing state of the conviction."

Page 15, line 17, overstrike "driver's license instruction" and insert immediately thereafter "learner's"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2079: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2079 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2085, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2085 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2172: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2172 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2255: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2255 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2287, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2287 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2317, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2317 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4022: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SCR 4022 was placed on the Tenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4030: A concurrent resolution to amend and reenact sections 5 and 15 of article X of the Constitution of North Dakota, relating to uniformity of property taxation among classes of property and requiring use of assessed value as the actual value of property for property tax purposes; and to provide an effective date. Was read the first time and referred to the **Finance and Taxation Committee**.

The House stood adjourned pursuant to Representative Vigesaa's motion.

Buell J. Reich, Chief Clerk

