

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, March 7, 2003

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

The prayer was offered by Reverend Ty Stoneburner, Keene Lutheran Parish, Keene.

The roll was called and all members were present except Senators Bercier and Fairfield.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that SCR 4027, which is on the Sixth order, be laid over one legislative day, and SCR 4031, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1065: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 674 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1143, as engrossed: SEN. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 674 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1100, as engrossed: SEN. DEVER (Judiciary Committee) MOVED that the amendments on SJ page 674 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1414, as engrossed: SEN. POLOVITZ (Human Services Committee) MOVED that the amendments on SJ page 675 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4032: SEN. HEITKAMP (Natural Resources Committee) MOVED that the amendments on SJ pages 673-674 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4015: A concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to the vote required to enact an income, sales, use, or motor vehicle excise tax increase by the legislative assembly.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Kilzer; Klein; Kringstad; Lee, G.; Lyson; Mutch; Nething; Schobinger; Stenehjem; Syverson; Wardner

NAYS: Andrist; Brown; Christenson; Espgaard; Every; Flakoll; Grindberg; Heitkamp; Holmberg; Krauter; Krebsbach; Lee, J.; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Seymour; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher

ABSENT AND NOT VOTING: Bercier; Fairfield

SCR 4015 was declared lost on a roll call vote.

SECOND READING OF HOUSE BILL

HB 1139: A BILL for an Act to create and enact a new subsection to section 26.1-33-11 of the North Dakota Century Code, relating to interest paid on death claims by insurance companies; and to amend and reenact subdivision e of subsection 3 of section 26.1-29-09.1, subdivision c of subsection 2 of section 26.1-37-01, and subdivision a of subsection 1 of section 26.1-38.1-03 of the North Dakota Century Code, relating to insurable interest in personal insurance, credit insurance on motor vehicles, and life insurance and annuity accounts maintained by the life and health insurance guaranty association.

ROLL CALL

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

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Erbele; Fairfield

Engrossed HB 1139, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1273: A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the payment of signing bonuses by school boards.

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 25 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Mutch; Nething; Stenehjem; Syverson; Tallackson; Tollefson; Traynor; Urlacher; Wardner

NAYS: Brown; Christenson; Espegard; Every; Heitkamp; Holmberg; Krauter; Lindaas; Lyson; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Taylor; Thane; Trenbeath

ABSENT AND NOT VOTING: Bercier; Fairfield

HB 1273 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1269: A BILL for an Act to create and enact a new section to chapter 57-36 of the North Dakota Century Code, relating to the sale and distribution of tobacco products manufactured by tobacco product manufacturers not in compliance with state or federal law; to amend and reenact paragraph 2 of subdivision b of subsection 2 of section 51-25-02 of the North Dakota Century Code, relating to the release of escrow funds deposited by tobacco product manufacturers; to provide for anti-severability; to provide an effective date; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Wardner

ABSENT AND NOT VOTING: Bercier; Fairfield; Urlacher

Engrossed HB 1269, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1400: A BILL for an Act to amend and reenact sections 23-09.3-01.1 and 23-16-01.1 of the North Dakota Century Code, relating to a moratorium on expansion of the licensed basic care and long-term bed capacity, the conversion of beds, and the transfer of existing basic care beds from one municipality to another municipality or to a tribal reservation.

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

ABSENT AND NOT VOTING: Bercier; Fairfield

Engrossed HB 1400, as amended, passed and the title was agreed to.

MOTION

SEN. STENEHJEM MOVED that the vote by which HB 1273 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1183: A BILL for an Act to amend and reenact subsection 3 of section 4-14.2-03, subsection 1 of section 4-24-11.1, section 4-37-03, subsections 3 and 4 of section 6-09.10-02.1, subsection 1 of section 6-09.10-06, subsection 2 of section 12-44.1-01, sections 12-44.1-17 and 12-46-25, subsection 4 of section 12.1-32-07, sections 14-06.1-07 and 14-06.1-09, subsection 2 of section 14-08.1-05.1, subsection 1 of section 14-10.2-01, sections 15-10-18.3, 15-10-18.5, 15-20.1-01, 15-20.1-02, 15-20.1-03, 15-20.1-03.1, 15-20.1-04, 15-20.1-05, 15-20.1-06, 15-20.1-07, 15-20.1-11, 15-20.1-21, 15-20.2-01, 15-20.2-02, 15-20.2-03, 15-20.2-04, 15-20.2-05, 15-20.2-07, 15-20.2-08, 15-20.2-09, 15-20.2-10, 15-20.2-11, 15-20.2-12, 15-20.2-13, 15-20.2-14, 15-20.2-15, and 15-20.2-16, subsections 2 and 6 of section 15-20.4-01, subsection 11 of section 15-39.1-04, sections 15-63-02, 15-63-03, 15-63-04, 15-63-05, and 15.1-01-02, subsection 4 of section 15.1-02-13, subsection 7 of section 15.1-09-33, subsection 1 of section 15.1-09-36, subsection 1 of section 15.1-12-10, subsection 1 of section 15.1-13-01, subsection 4 of section 15.1-13-10, sections 15.1-14-23, 15.1-14-24, 15.1-14-25, 15.1-14-26, 15.1-14-27, 15.1-14-28, 15.1-14-29, 15.1-14-30, 15.1-14-31, and 15.1-14-32, subsection 5 of section 15.1-16-20, subsection 7 of section 15.1-21-02, section 15.1-25-01, subsection 1 of section 15.1-27-18, section 15.1-27-28, subsection 4 of section 15.1-27-37, subsections 3 and 6 of section 19-03.1-23, subsection 1 of section 19-03.1-23.1, sections 25-06-02, 25-07-04, 27-21-02, and 27-21-03, subsection 1 of section 27-21-06, sections 27-21-07, 27-21-09, 34-05-01.3, and 34-06-15, subsection 1 of section 37-07.1-02, section 40-57-02, subsection 3 of section 40-57-03, sections 40-57.2-01, 40-57.2-04, 43-35-13, 50-09-02.2, 50-11-01, 52-02-02.1, 52-02-08, and 52-08-12, subsection 2 of section 52-08.1-04, section 52-09-08, subsection 12 of section 54-10-14, section 54-56-01, subsection 2 of section 54-59-17, section 54-60-06, subsection 16 of section 57-15-06.7, subsection 15 of section 57-15-10, subsections 1 and 2 of section 57-15-14.2, section 57-15-17, subdivision m of subsection 1 of section 57-38-01.2, and subsection 2 of section 57-38-67 of the North Dakota Century Code, relating to changing the name of "state board for vocational and technical education" to "state board for career and technical education", changing the name of "area vocational and technology centers" to "area career and technology centers", authorizing area vocational and technology centers to accept property and grants from the federal government, and designating a department of career and technical education; and to repeal section 15-20.1-10 of the North Dakota Century Code, relating to the powers of the school board of a vocational school district.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bercier; Fairfield

HB 1183 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1205: A BILL for an Act to amend and reenact subsection 5 of section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for transfers of vehicles from certain trusts; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bercier; Fairfield

HB 1205 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1333: A BILL for an Act to amend and reenact subsection 3 of section 54-35.2-02 and section 54-35.2-05 of the North Dakota Century Code, relating to the advisory commission on intergovernmental relations.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 41 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Christmann; Klein; Kringstad; Mutch

NAYS: Andrist; Bowman; Brown; Christenson; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier; Fairfield

Engrossed HB 1333 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3010: A concurrent resolution urging Congress to require the United States Department of Agriculture Forest Service to implement a management plan that supports the right of North Dakota ranchers to graze their traditional numbers of livestock in the national grasslands and that allows the mineral resources within the national grasslands to be developed in a reasonable manner.

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

Engrossed HCR 3010 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3018: A concurrent resolution directing the Legislative Council to study the impact of high-volume grain terminals on local highway systems and possible methods of mitigating the impact.

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

HCR 3018 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3057: A concurrent resolution for the amendment of sections 8 and 13 of article IV of the Constitution of North Dakota, relating to election of presiding officers of the legislative assembly and legislative procedures; and to repeal section 12 of article V and section 13 of article XI of the Constitution of North Dakota, relating to duties of the lieutenant governor and impeachment proceedings.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 19 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Christenson; Cook; Every; Flakoll; Freborg; Grindberg; Heitkamp; Krauter; Lee, J.; Mathern; Nething; Nichols; O'Connell; Seymour; Stenehjem; Taylor; Traynor; Trenbeath; Wardner

NAYS: Andrist; Bowman; Brown; Christmann; Dever; Erbele; Espegard; Fischer; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lindaas; Lyson; Mutch; Nelson; Polovitz; Robinson; Schobinger; Syverson; Tallackson; Thane; Tollefson; Urlacher

ABSENT AND NOT VOTING: Bercier; Fairfield

HCR 3057 was declared lost on a roll call vote.

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

MR. PRESIDENT: The House has passed unchanged: SB 2079, SB 2093, SB 2094, SB 2114, SB 2120, SB 2121, SB 2123, SB 2136, SB 2142, SB 2145, SB 2158, SB 2286, SB 2289.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2122.

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

MR. PRESIDENT: The House has failed to pass: SB 2071, SB 2130, SB 2152, SB 2167.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2214.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2214

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

Page 1, after line 9, insert:

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

Renumber accordingly

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 7, 2003: SB 2034, SB 2043, SB 2047, SB 2075, SB 2078, SB 2091, SB 2092, SB 2098.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1078, HB 1137, HB 1155, HB 1165, HB 1210, HB 1232, HB 1266, HB 1390, HB 1419, HB 1441.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1124, HB 1169.

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

MR. SPEAKER: The Senate has failed to pass: HB 1126, HB 1310.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1051, HB 1142, HB 1348.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1115.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2100, SB 2101, SB 2102, SB 2124, SB 2131, SB 2202, SB 2209, SB 2243, SB 2309.

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

MR. SPEAKER: The President has signed: HB 1025, HB 1064, HB 1097, HB 1099, HB 1118, HB 1125, HB 1134, HB 1135, HB 1149, HB 1150, HB 1151, HB 1216, HB 1230, HB 1262, HB 1339.

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, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 2:00 p.m., Monday, March 10, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1029: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1029 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1035, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1035 was placed on the Sixth order on the calendar.

Page 19, after line 29, insert:

"19. If the child-placing agency has located both genetic parents and only one parent authorizes disclosure, the information disclosed by the agency may relate only to the consenting parent."

Page 19, line 30, replace "19." with "20."

Page 21, line 1, replace "20." with "21."

Page 21, line 10, replace "21." with "22."

Page 22, line 2, replace "22." with "23."

Page 22, line 9, replace "23." with "24."

Page 23, line 3, replace "24." with "25."

Page 23, line 6, replace "25." with "26."

Page 23, line 8, replace "26." with "27."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1052: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1052 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "**Budget**" with "**Report to budget**"

Page 1, line 8, remove "**approval**"

Page 1, line 10, after the first "fund" insert "until deposits during a biennium equal one hundred thousand dollars"

Page 1, line 12, replace "However, the" with "All the payments received by the commission in excess of the one hundred thousand dollars deposited in the performance assurance fund must be deposited in the general fund. The" and replace "may not spend more than one" with "shall report annually to"

Page 1, remove line 13

Page 1, line 14, remove "receiving prior approval from" and after "council" insert "with respect to the payments received under the plan and the expenditures from the performance assurance fund"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1075, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1075 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1076: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1076 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1102, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1102 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "prescribed to govern the production of oil"

Page 1, line 12, overstrike "and gas on public and private lands within the state"

Page 1, line 14, remove the overstrike over "~~under such terms and~~"

Page 1, line 15, remove the overstrike over "~~conditions as the industrial commission may prescribe~~" and remove "surety bond,"

Page 1, line 16, replace "deposit" with "cash" and replace "a bond issued under the state surface" with "or"

Page 1, line 17, remove "mining and reclamation bond fund,"

Page 1, line 18, replace "a permittee" with "an operator"

Page 1, line 19, after "chapter" insert "and the rules and orders of the industrial commission"

Page 1, line 24, overstrike "regulations" and insert immediately thereafter "orders"

Page 2, line 3, remove "surety bond,"

Page 2, line 4, replace "deposit" with "cash" and remove "a bond issued under the state surface mining and reclamation bond"

Page 2, line 5, replace "fund." with "or"

Page 2, line 7, after "chapter" insert "and the rules and orders of the industrial commission"

Page 2, line 12, overstrike "regulations" and insert immediately thereafter "orders"

Page 2, line 15, remove "surety bond."

Page 2, line 16, replace "deposit" with "cash" and replace "a bond issued under the state surface mining and reclamation bond" with "or"

Page 2, line 17, remove "fund."

Page 2, line 19, after "chapter" insert "and the rules and orders of the industrial commission"

Page 2, line 23, after "with" insert "this chapter and" and after "rules" insert "and orders"

Page 2, line 25, remove "surety bond.", replace "deposit" with "cash", and replace the second "a" with "or"

Page 2, line 26, remove "bond issued under the state surface mining and reclamation bond fund."

Page 2, line 29, after "chapter" insert "and the rules and orders of the industrial commission"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1148, as engrossed: Natural Resources Committee (Sen. Fischer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1148 was placed on the Sixth order on the calendar.

Page 2, line 8, replace "and" with "or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1184: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1184 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1220, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1220 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1297, as engrossed: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1297 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1343, as engrossed: Natural Resources Committee (Sen. Fischer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1343 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "20.1-05-03" with "20.1-01-03"

Page 1, line 4, replace "20.1-05-03" with "20.1-01-03"

Page 1, replace lines 6 through 20 with:

"20.1-01-03. Ownership and control of wildlife is in the state - Damages - Schedule of monetary values - Civil penalty. The ownership of and title to all wildlife within this state is in the state for the purpose of regulating the enjoyment, use,

possession, disposition, and conservation thereof, and for maintaining action for damages as herein provided. Any person catching, killing, taking, trapping, or possessing any wildlife protected by law at any time or in any manner is deemed to have consented that the title thereto remains in this state for the purpose of regulating the taking, use, possession, and disposition thereof. The state, through the office of attorney general, may institute and maintain any action for damages against any person who unlawfully causes, or has caused within this state, the death, destruction, or injury of wildlife, except as may be authorized by law. The state has a property interest in all protected wildlife. This interest supports a civil action for damages for the unlawful destruction of wildlife by willful or grossly negligent act or omission. The director shall adopt by rule a schedule of monetary values of various species of wildlife, the values to represent the replacement costs of the wildlife and the value lost to the state due to the destruction or injury of the species, together with other material elements of value. In any action brought under this section, the schedule constitutes the measure of recovery for the wildlife killed or destroyed. Notwithstanding the director's schedule of monetary values, an individual who unlawfully takes a bighorn sheep, elk, or moose is subject to a civil penalty for the replacement value of the animal of five thousand dollars for a bighorn sheep, three thousand dollars for an elk, and two thousand dollars for a moose. For a male bighorn sheep, elk, or moose over two and one-half years of age, the civil penalty for the replacement value of the animal is an additional fifty percent of the penalty. The funds recovered must be deposited in the general fund, and devoted to the propagation and protection of desirable species of wildlife."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1346, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1346 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1359, as engrossed: Transportation Committee (Sen. Trenbeath, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1359 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1380: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1380 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1386, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1386 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1393: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1393 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1396: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1396 was placed on the Sixth order on the calendar.

Page 1, line 3, after "ranching" insert "; and to provide for compliance"

Page 1, line 7, overstrike "or a trust for the benefit of an individual or a class of"

Page 1, line 8, overstrike "individuals"

Page 1, line 21, after "shareholders" insert ", at least twelve of whom must be related"

Page 1, line 23, overstrike the period

Page 2, line 1, overstrike "2."

Page 2, line 2, after "~~members~~" insert ", at least twelve of whom must be related. For purposes of this section, "related" means" and remove the overstrike over "~~within one of the following degrees of kinship or affinity: parent, son,~~"

Page 2, remove the overstrike over lines 3 through 5

Page 2, line 6, after "3." insert "2."

Page 2, line 12, overstrike the period

Page 2, line 13, remove "3." and overstrike "A trust or an estate may not be a shareholder or member if the beneficiaries of the"

Page 2, overstrike line 14

Page 2, line 15, overstrike "fifteen in number"

Page 2, line 16, replace "4." with "3."

Page 2, line 18, replace "5." with "4." and overstrike "the"

Page 2, line 19, remove the overstrike over "~~one of the~~"

Page 2, line 20, remove the overstrike over "~~shareholders~~", remove "principal shareholder", and overstrike "must be an individual"

Page 2, line 21, after "or" insert "must hold more than fifty percent of the shares and must be"

Page 2, line 23, overstrike "at least"

Page 2, line 24, overstrike "be an individual" and after "or" insert "hold a membership interest greater than fifty percent and must be"

Page 2, line 25, after the period insert "For purposes of this section, "actively engaged in operating the farm or ranch" means that the individual contributes to the production activities of the farm or ranch on a daily basis and makes the management decisions affecting the operation of the farm or ranch."

Page 2, line 26, replace "6." with "5."

Page 3, line 1, replace "7." with "6."

Page 3, after line 10, insert:

"SECTION 4. COMPLIANCE WITH PROVISIONS - TEN YEARS.

Notwithstanding any other law, any corporation or limited liability company that owned farmland or rangeland in this state in accordance with chapter 10-06.1 on July 31, 2003, but which on August 1, 2003, is in violation of chapter 10-06.1, may have until July 31, 2013, to comply with chapter 10-06.1."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1503: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1503 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the first "and"

Page 1, line 5, after "large" insert "; and to declare an emergency"

Page 7, after line 6, insert:

"SECTION 16. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HCR 3002, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3002 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3026: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3026 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3043: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3043 was placed on the Fourteenth order on the calendar.

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

WILLIAM R. HORTON, Secretary

