

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

* * * * *

Bismarck, March 9, 2005

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

The prayer was offered by Deacon Jim Nistler, Sacred Heart Catholic, Wilton.

The roll was called and all members were present except Senators Grindberg, Schobinger, and Stenehjem.

A quorum was declared by the President.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 8, 2005, I have signed the following: SB 2040, SB 2057, SB 2072, SB 2088, SB 2089, SB 2092, SB 2093, SB 2097, SB 2100, SB 2106, SB 2107, and SB 2108.

MOTION

SEN. CHRISTMANN MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Lyson, Chairman)** appointed to consider the nomination for the Director of the Office of Administrative Hearings, do advise and consent to the nomination of Allen C. Hoberg.

SEN. LYSON MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Allen C. Hoberg for the Director of the North Dakota Office of Administrative Hearings", the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Grindberg; Schobinger; Stenehjem

The Senate advises and consents to the nomination of Allen C. Hoberg for the Director of the Office of Administrative Hearings.

MOTION

SEN. CHRISTMANN MOVED that the Confirmation Session be dissolved, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that Senate Rule 601-3-f be amended to change the deadline for reporting resolutions out of committee to the "forty-third" day, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4036: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4036 was placed on the Eleventh order on the calendar.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended and that SCR 4036 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4036: A concurrent resolution directing the Legislative Council to study the history of the Fargo Public School District and its current and future relationship with the West Fargo

Public School District, with a view to clarifying issues regarding the ownership and control of public school property by the Board of Education of the city of Fargo.

REQUEST

SEN. J. LEE REQUESTED a verification vote on the motion to adopt SCR 4036, which request was granted.

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

SCR 4036 was declared lost on a verification vote.

CONSIDERATION OF AMENDMENTS

HB 1069, as engrossed: SEN. BROWN (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 737-738 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1518, as reengrossed: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ pages 739-741 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1200, as engrossed: SEN. DEVER (Human Services Committee) MOVED that the amendments on SJ pages 738-739 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1359, as engrossed: SEN. WARNER (Human Services Committee) MOVED that the amendments on SJ page 739 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1188: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 738 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1048: A BILL for an Act to amend and reenact section 15.1-21-02 of the North Dakota Century Code, relating to required high school units; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 26 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Erbele; Every; Fischer; Freborg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; O'Connell; Robinson; Taylor; Thane; Tollefson; Trenbeath; Wardner

NAYS: Bercier; Brown; Cook; Dever; Espgaard; Fairfield; Flakoll; Kringstad; Mathern; Nelson; Nething; Seymour; Syverson; Tallackson; Traynor; Triplett; Urlacher; Warner

ABSENT AND NOT VOTING: Grindberg; Schobinger; Stenehjem

HB 1048 passed, the title was agreed to, but the emergency clause lost for lack of two-thirds majority.

SECOND READING OF HOUSE BILL

HB 1112: A BILL for an Act to amend and reenact section 26.1-26-36 of the North Dakota Century Code, relating to a surplus lines insurance producer's authority to accept business from a nonadmitted company.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Grindberg; Schobinger; Stenehjem

HB 1112 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1113: A BILL for an Act to amend and reenact subsection 1 of section 26.1-26-31.1 of the North Dakota Century Code, relating to continuing education requirements for insurance producers and consultants.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Grindberg; Schobinger; Stenehjem

HB 1113 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1142: A BILL for an Act to amend and reenact sections 60-10-06 and 60-10-08 of the North Dakota Century Code, relating to the reimbursement limit and order of payment from the credit-sale contract indemnity fund.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Grindberg; Schobinger; Stenehjem

HB 1142 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1198: A BILL for an Act to provide for a legislative council study of reemployment processes and costs and an appropriate method for providing a limitation on the total average number of job-attached unemployment insurance claimants.

ROLL CALL

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

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

NAYS: Lee, J.

ABSENT AND NOT VOTING: Grindberg; Schobinger; Stenehjem

Engrossed HB 1198 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1202: A BILL for an Act to amend and reenact subsection 15 of section 52-06-02 of the North Dakota Century Code, relating to when individuals are disqualified for unemployment compensation benefits.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Grindberg; Schobinger; Stenehjem

HB 1202 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1233: A BILL for an Act to amend and reenact section 15.1-09-33 of the North Dakota Century Code, relating to school board membership dues.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Grindberg; Schobinger; Stenehjem

HB 1233 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1260: A BILL for an Act to provide for a legislative council study of public improvement contracts and issues relating to use of multiple bids versus single prime bids, construction management, professional liability and indemnification, and design-build delivery systems.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Grindberg; Schobinger; Stenehjem

Engrossed HB 1260 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1488: A BILL for an Act to create an education congress and to provide for a legislative council study of the state's elementary and secondary education system.

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 3 YEAS, 41 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Nething; Triplett; Warner

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

ABSENT AND NOT VOTING: Grindberg; Schobinger; Stenehjem

Engrossed HB 1488 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3001: A concurrent resolution directing the Legislative Council to study the legal and enforcement issues relating to child support collections on Indian reservations, including state and tribal court jurisdictions, recognition of income withholding orders, and logistics involved in transferring child support collected to custodial parents.

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

Engrossed HCR 3001 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3022: A concurrent resolution directing the Legislative Council to study data regarding cervical cancer and human papillomavirus, evaluate current methods of public education and access to regular cervical cancer screening, and consider options for increasing screening accuracy.

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

HCR 3022 was declared adopted, and the title was agreed to on a voice vote.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1054, HB 1095, HB 1208, HB 1243, HB 1281, HCR 3045.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1032, HB 1046, HB 1110.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1357, HB 1402, HB 1439.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has failed to pass: HB 1442.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3035.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3041, HCR 3042, HCR 3046, HCR 3047, HCR 3050, HCR 3051, HCR 3053, HCR 3054.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has passed unchanged: SB 2077, SB 2116, SB 2130, SB 2175, SB 2226, SB 2234, SB 2263, SB 2347, SB 2379, SB 2390, SB 2391.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has passed unchanged: SB 2277, SCR 4001, SCR 4003, SCR 4005, SCR 4009, SCR 4010, SCR 4011, SCR 4015, SCR 4028, SCR 4029.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2151, SB 2172.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has amended and passed: SB 2024, SB 2129, SB 2191, SB 2388.

HOUSE AMENDMENTS TO SENATE BILL NO. 2024

Page 1, line 1, after "to" insert "create and enact a new section to chapter 11-18 of the North Dakota Century Code, relating to county recorder reports to the legislative council regarding use of document preservation funds; to"

Page 1, line 2, after "fund" insert "; and to provide an expiration date"

Page 5, after line 11, insert:

"SECTION 3. A new section to chapter 11-18 of the North Dakota Century Code is created and enacted as follows:

Document preservation fund - Recorder reporting requirement to legislative council. Before March first of each even-numbered year, each recorder shall prepare a report that specifies how the county used the county's document preservation funds during the preceding two fiscal years; how the county's use of the document preservation funds has furthered the goal of document preservation; and the county's general strategic plans for document preservation. The county reports must be submitted to the North Dakota association of counties for compilation and submittal to the legislative council before April first of each even-numbered year.

SECTION 4. EXPIRATION DATE. Section 3 of this Act is effective through July 31, 2009, and after that date is ineffective."

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2129

Page 1, line 17, replace "any reasonable" with "a late payment penalty as provided in section 47-14-05."

Page 1, remove lines 18 through 20

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2191

Page 3, line 29, remove "or"

Page 3, line 30, remove "prospective franchisee"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2388

Page 1, line 1, after "43-42-05" insert "and a new section to chapter 43-51"

Page 1, line 2, after "therapy" insert "and for foreign practitioners"

Page 1, after line 11, insert:

"SECTION 2. A new section to chapter 43-51 of the North Dakota Century Code is created and enacted as follows:

Foreign practitioners - Emergency practice exemption. Notwithstanding contrary provisions of law, a foreign practitioner may practice in an emergency in this state, practice as a member of an organ harvesting team, or practice on board an ambulance as part of the ambulance treatment team."

Renumber accordingly

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

MR. PRESIDENT: The House has amended and passed: SCR 4027.

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4027

Page 1, line 2, after the second "and" insert "review the legal and medical definitions used for dementia-related conditions and the"

Page 1, line 5, replace "6,000" with "16,000"

Page 1, line 15, after the second "and" insert "review the legal and medical definitions used for dementia-related conditions and the"

Renumber accordingly

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

MR. PRESIDENT: The House has failed to pass: SB 2305, SCR 4002.

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

MR. SPEAKER: The President has signed: HB 1096, HB 1145, HB 1217, HB 1253, HB 1287, HB 1288, HB 1315, HB 1474.

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

MR. PRESIDENT: The Speaker has signed: SB 2062, SB 2064, SB 2065, SB 2066, SB 2109, SB 2155, SB 2166, SB 2180, SB 2189, SB 2199, SB 2210.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1070, HB 1170, HB 1220, HB 1306, HB 1341, HB 1366, HB 1395, HB 1399, HCR 3016.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, March 10, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1036: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1036 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1057, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1057 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1074, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1074 was placed on the Sixth order on the calendar.

Page 2, line 12, replace "shall" with "may"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1159, as reengrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1159 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1179: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1179 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1194: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1194 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1213, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1213 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1240: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1240 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1268, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1268 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1278: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (8 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING). HB 1278 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1312, as engrossed: 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). Engrossed HB 1312 was placed on the Sixth order on the calendar.

Page 3, line 17, after the underscored period insert "If the judgment is not collected within three years, the judgment expires."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1324, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1324 was placed on the Sixth order on the calendar.

Page 2, after line 19, insert:

"6. This section applies only if the energy conversion facility, renewable energy facility, transmission facility, or facility generating the energy to be purchased is located in this state."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1325, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1325 was placed on the Sixth order on the calendar.

Page 3, line 1, replace "pursuant to" with "under"

Page 3, line 11, after the underscored period insert "A person in another state may not sell wine for shipment to a person in this state under this subsection in an amount in excess of 7.13 gallons [27 liters] of wine per month." and after "and" insert "interstate"

Page 3, line 14, remove "Sales under this subsection are"

Page 3, remove line 15

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1336: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1336 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1368: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1368 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1478, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1478 was placed on the Sixth order on the calendar.

Page 1, line 5, remove the second "and"

Page 1, line 6, after "date" insert "; and to provide an expiration date"

Page 1, line 24, remove "After the"

Page 2, remove lines 1 through 3

Page 3, line 7, after "**DATE**" insert "- **EXPIRATION DATE**"

Page 3, line 8, after "2005" insert ", and through the month in which a cumulative total of 1,200,000 gallons of E85 fuel has been reported to the commissioner as required in section 57-43.1-02, and after that date is ineffective"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1504: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1504 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1506, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). Engrossed HB 1506 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3035: A concurrent resolution for the amendment of section 25 of article XI of the Constitution of North Dakota, relating to internet live poker.
Was read the first time and referred to the **Judiciary Committee**.

HCR 3042: A concurrent resolution directing the Legislative Council to study the laws of this state and other states as they relate to the unauthorized acquisition, theft, and misuse of personal identifying information belonging to another individual.

Was read the first time and referred to the **Judiciary Committee**.

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

Was read the first time and referred to the **Education Committee**.

HCR 3047: A concurrent resolution directing the Legislative Council to study sentencing alternatives with an emphasis on the expanded use of rehabilitation over incarceration, the provision of more treatment options, and the adequate funding of treatment programs.

Was read the first time and referred to the **Judiciary Committee**.

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

Was read the first time and referred to the **Human Services Committee**.

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

Was read the first time and referred to the **Education Committee**.

HCR 3053: A concurrent resolution directing the Legislative Council to study the role of the state in reviewing and approving various postsecondary skill development programs.

Was read the first time and referred to the **Education Committee**.

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

Was read the first time and referred to the **Human Services Committee**.

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

William R. Horton, Secretary