

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, March 19, 2001

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

The prayer was offered by Pastor Dale Nabben, Missouri Slope Lutheran Care Center, Bismarck.

The roll was called and all members were present except Senators Espeguard and Tallackson.

A quorum was declared by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that HB 1114, which is on the Sixth order, be laid over one legislative day, and HB 1151, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1202, as reengrossed: SEN. ERBELE (Human Services Committee) MOVED** that the amendments on SJ page 836 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1349, as engrossed: SEN. KROEPLIN (Agriculture Committee) MOVED** that the amendments on SJ page 837 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1468, as engrossed: SEN. KELSH (Natural Resources Committee) MOVED** that the amendments on SJ page 838 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that the rules be suspended, and after action taken on the Sixth order, the remaining bills on that order be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1102, as engrossed: SEN. KILZER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 834 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1102:** A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to postretirement benefit adjustments under the teachers' fund for retirement; to amend and reenact subsection 2 of section 15-39.1-10 of the North Dakota Century Code, relating to the computation of benefits under the teachers' fund for retirement; and to provide for application.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Espeguard; Tallackson

Engrossed HB 1102, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1106, as engrossed: SEN. C. NELSON (Judiciary Committee) MOVED** that the amendments on SJ page 834 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1106:** A BILL for an Act to adopt the Uniform Electronic Transactions Act, relating to electronic records and electronic signatures.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Espegard; Tallackson

Engrossed HB 1106, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1125, as engrossed: SEN. KREBSBACH (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 835 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1125:** A BILL for an Act to amend and reenact subsection 7 of section 54-44.4-02, section 54-44.4-05, and subsections 1 and 4 of section 54-44.4-09 of the North Dakota Century Code, relating to justification for emergency purchases, variations on competitive bidding, and exemptions from vendor registration; and to provide for legislative intent.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Espegard; Tallackson

Engrossed HB 1125, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1283, as engrossed: SEN. COOK (Education 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.

**SECOND READING OF HOUSE BILL**

**HB 1283:** A BILL for an Act to provide for a technology occupations student loan program.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter;

Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Espegard

Engrossed HB 1283, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1457: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 838 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1457:** A BILL for an Act to amend and reenact section 23-13-15 of the North Dakota Century Code, relating to residential rental property smoke detection systems.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Polovitz

**ABSENT AND NOT VOTING:** Espegard

HB 1457, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HCR 3030, as engrossed: SEN. T. MATHERN (Human Services Committee) MOVED** that the amendments on SJ page 839 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3030:** A concurrent resolution urging Congress to increase Medicare reimbursement for health care providers, to use an appropriate amount of the federal budget surplus to equalize Medicare rates within North Dakota and within the nation, and to delay implementation of the proposed Medicare ambulance reimbursement fee schedule.

The question being on the final adoption of the amended resolution, which has been read.

Engrossed HCR 3030, as amended, was declared adopted, and the title was agreed to on a voice vote.

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#### CONSIDERATION OF AMENDMENTS

**HCR 3037: SEN. TRENBEATH (Transportation Committee) MOVED** that the amendments on SJ page 839 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3037:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of creating cost-sharing or funding mechanisms for the unexpected discovery of cultural or paleontological resources within local road projects.

The question being on the final adoption of the amended resolution, which has been read.

HCR 3037, as amended, was declared adopted, and the title was agreed to on a voice vote.

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**CONSIDERATION OF AMENDMENTS**

**HCR 3063: SEN. POLOVITZ (Human Services Committee) MOVED** that the amendments on SJ pages 839-840 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3063:** A concurrent resolution directing the Legislative Council to study the impact of fathers not being involved in their children's lives and identify potential programs and funding sources to address this situation.

The question being on the final passage of the amended bill, which has been read.

HCR 3063, as amended, was declared lost on a voice vote.

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**SECOND READING OF HOUSE BILL**

**HB 1448:** A BILL for an Act to create and enact a new subsection to section 14-02.5-02 of the North Dakota Century Code, relating to rental property for unmarried couples.

**MOTION**

**SEN. G. NELSON MOVED** the previous question, which motion prevailed.

**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 28 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Freborg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Lyson; Mathern, T.; Mutch; Nelson, G.; Nething; O'Connell; Robinson; Solberg; Stenehjelm; Thane; Tollefson; Tomac; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Bercier; Christenson; Every; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kringstad; Kroepflin; Lee; Lindaas; Mathern, D.; Nelson, C.; Nichols; Polovitz; Schobinger; Tallackson; Trenbeath; Wardner

**ABSENT AND NOT VOTING:** Epegard

Engrossed HB 1448 passed and the title was agreed to.

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**POINT OF PERSONAL PRIVILEGE**

**SEN. TRENBEATH REQUESTED** that his remarks be printed in the Journal, which request was granted.

**REMARKS OF SENATOR TRENBEATH**

The Neche Indians, the Pembina Wildcats, The Walhalla Eagles - all names of sports teams of the past, and all of which were rivals during my high school years. We were class "C" in those days, and became Class "B" during the Sixties. In the Eighties, circumstances and a cooperative spirit made the Indians and the Wildcats into the North Border Bandits. This season the Eagles and the Bandits became the North Border Eagles. A first season and the pressures of treating everybody fairly would indicate a building year was at hand. On top of it all, the coach was only a part-time coach and full-time, multigenerational farmer. Petty jealousies never surfaced, but a cooperative spirit did.

Unnoticed, unheralded, respected only one game at a time, the North Border Eagles overcame the one hundred or so years of small town, interschool rivalries and found themselves regional champs with a ticket to the biggest show in North Dakota sports - the State Class "B" Basketball Tournament. Unranked but thrilled at just being "at the show", they met the defending state champs in the first round and prevailed. The balanced attack held together through the second round, and finally, this past Saturday night, the unranked North Border Eagles of Neche, Walhalla, and Pembina topped the number one ranked Cando Cubs to become champions of, arguably, the most popular sport in North Dakota. I offer my congratulations to Coach David "Cooter" Symington, his players and staff, the cheerleaders

and their coach, and finally, to the people of Pembina, Neche, and Walhalla, who have once again demonstrated how cooperation leads to results. Thank you, Mr. President.

**The North Border Eagles:** Jacob Anderson, Aaron Bonaime, Mike Brown, Nathan Carrier, Anthony Chaput, Matt Defoe, Dennis Delude, Warren Eagan, Kyle Rollness, Kevin Schaler, Travis Stegman, Chris Stremick, Chad Symington, and Jason Tryan. **Cheerleaders:** Karissa Fowler, Erica Fritz, Justine Masloski, JoEllyn Moris, Nicole Stegman, and Kayce Symington. **Head Coach:** Dave "Cooter" Symington. **Assistant Coaches:** Randy Greendahl and Paul Hagness. **Superintendents:** Joe Defoe and Morgan Huset. **Principals:** Jeff Carpenter and Cindi Gendreau. **Athletic Directors:** Jeff Carpenter and Shon Horgan. **Student Manager:** Mark Hardy. **Statisticians:** Megan Defoe, Jessica Gerberding, and Shonna Soeby. **Cheerleading Advisor:** Brenda Symington.

#### COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 16, 2001, I have signed the following: SB 2025, SB 2047, SB 2057, SB 2061, SB 2064, SB 2068, SB 2123, SB 2128, SB 2141, SB 2152, SB 2153, SB 2286, SB 2323, SB 2324, SB 2353, SB 2366, SB 2412, SB 2430, and SB 2448.

#### COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 19, 2001, I have signed the following: SB 2046, SB 2059, SB 2060, SB 2062, SB 2126, SB 2136, SB 2174, SB 2211, SB 2231, and SB 2341.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 19, 2001: SB 2063, SB 2073, SB 2078, SB 2084, SB 2085, SB 2103, SB 2115, SB 2148, SB 2151, SB 2154, SB 2172, SB 2179, SB 2206, SB 2209, SB 2212, SB 2215, SB 2227, SB 2230, SB 2253, SB 2254, SB 2255, SB 2259, SB 2274, SB 2280, SB 2334, SB 2340, SB 2372, SB 2390, SB 2396, SB 2404, SB 2445.

#### MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

**MR. PRESIDENT:** The Speaker has signed: SB 2063, SB 2073, SB 2078, SB 2084, SB 2085, SB 2103, SB 2115, SB 2148, SB 2151, SB 2154, SB 2172, SB 2179, SB 2206, SB 2209, SB 2212, SB 2215, SB 2227, SB 2230, SB 2253, SB 2254, SB 2255, SB 2259, SB 2274, SB 2280, SB 2334, SB 2340, SB 2372, SB 2390, SB 2396, SB 2404, SB 2445.

#### MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1101, HB 1133, HB 1137, HB 1166, HB 1193, HB 1302, HB 1329, HB 1336, HB 1342, HB 1352, HB 1353, HB 1422, HB 1424, HB 1452.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SCR 4017.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1221.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1108, HB 1153, HB 1159, HB 1161, HB 1222, HB 1223, HB 1228, HB 1260, HCR 3020, HCR 3021, HCR 3022, HCR 3059.

#### 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 1415.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1162, HB 1360, HB 1427, HCR 3066.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1221.

#### MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1133, HB 1352, and HB 1353.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed unchanged: SB 2055, SB 2234, SB 2256, SB 2330, SB 2344, SB 2381, SB 2406, SB 2408, SB 2426, SB 2431, SB 2441, SB 2451, SCR 4011, SCR 4023, SCR 4026, SCR 4038.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2424.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed unchanged: SB 2252.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2444.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2444**

Page 1, line 3, after "reenact" insert "section 12.1-32-09,"

Page 1, line 6, after "offenses" insert "and enhanced sentencing"

Page 1, after line 9, insert:

**"SECTION 1. AMENDMENT.** Section 12.1-32-09 of the North Dakota Century Code is amended and reenacted as follows:

**12.1-32-09. Dangerous special offenders - Habitual offenders - Extended sentences - Procedure.**

1. A court may sentence a convicted offender to an extended sentence as a dangerous special offender or a habitual offender in accordance with ~~the provisions of~~ this section upon a finding of any one or more of the following:
  - a. The convicted offender is a dangerous, mentally abnormal person. ~~The court may not make such a finding unless the presentence report, including a psychiatric examination, concludes that the offender's~~ whose conduct has been characterized by persistent aggressive behavior, ~~and that such~~ the behavior makes the offender a serious danger to other persons.
  - b. The convicted offender is a professional criminal. ~~The court may not make such a finding unless the offender is an adult and the presentence report shows that the offender who~~ who has substantial income or resources derived from criminal activity.
  - c. The convicted offender is a habitual offender. The court may not make such a finding unless the offender is an adult and has previously been convicted in any state or states or by the United States of two felonies of class C or above committed at different times when the offender was an adult. For the purposes of this subdivision, a felony conviction in another state or under the laws of the United States ~~shall be~~ is considered a felony of class C or above if it is punishable by a maximum term of imprisonment of five years or more.
  - d. The offender was convicted of an offense ~~which~~ that seriously endangered the life of another person and the offender had previously been convicted of a similar offense.
  - e. The offender is especially dangerous because the offender used a firearm, dangerous weapon, or destructive device in the commission of the offense or during the flight therefrom.

A conviction shown on direct or collateral review or at the hearing to be invalid or for which the offender has been pardoned on the ground of innocence must be disregarded for purposes of subdivision c. In support of findings under subdivision b, it may be shown that the offender has had control of income or property not explained as derived from a source other than criminal activity. For purposes of subdivision b, a substantial source of income means a source of income which for any period of one year or more exceeds the minimum wage, determined on the basis of a forty-hour

week and a fifty-week year, without reference to exceptions, under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, for an employee engaged in commerce or in the production of goods for commerce, and which for the same period exceeds fifty percent of the offender's declared adjusted gross income under chapter 57-38.

2. The extended sentence may be imposed in the following manner:
  - a. If the offense for which the offender is convicted is a class A felony, the court may impose a sentence up to a maximum of life imprisonment.
  - b. If the offense for which the offender is convicted is a class B felony, the court may impose a sentence up to a maximum of imprisonment for twenty years.
  - c. If the offense for which the offender is convicted is a class C felony, the court may impose a sentence up to a maximum of imprisonment for ten years.
3. Whenever an attorney charged with the prosecution of a defendant in a court of this state for an alleged felony committed when the defendant was over the age of eighteen years has reason to believe that the defendant is a dangerous special offender or a habitual offender, the attorney, at a reasonable time before trial or acceptance by the court of a plea of guilty, may sign and file with the court, and may amend, a notice specifying that the defendant is a dangerous special offender or a habitual offender who upon conviction for the felony is subject to the imposition of a sentence under subsection 2, and setting out with particularity the reasons why the attorney believes the defendant to be a dangerous special offender or a habitual offender. In no case may the fact that the prosecuting attorney is seeking sentencing of the defendant as a dangerous special offender or a habitual offender be disclosed to the jury before a verdict. If the court finds that the filing of the notice as a public record may prejudice fair consideration of a pending criminal matter, ~~it the court~~ may order the notice sealed and the notice ~~shall~~ is not ~~be~~ subject to subpoena or public inspection during the pendency of ~~such~~ the criminal matter, except on order of the court, but ~~shall be~~ is subject to inspection by the defendant alleged to be a dangerous special offender or a habitual offender and the offender's counsel.
4. Upon any plea of guilty, or verdict or finding of guilt of the defendant of such felony, a hearing must be held, before sentence is imposed, ~~by the court sitting without a jury~~ in accordance with this subsection as follows:
  - a. By a jury, or the court if a jury is waived by the defendant, if the notice alleges that the defendant is a dangerous special offender under subdivision a, b, d, or e of subsection 1. The jury, or the court if a jury is waived, must find that the defendant is a dangerous special offender under one or more of these subdivisions by proof beyond a reasonable doubt. However, in the case of a notice alleging only subdivision e of subsection 1, the trial jury, or the trial court if a jury is waived, may make a special finding of proof of this subdivision without an additional hearing subsequent to a verdict or finding of guilt.
  - b. By the court if the notice alleges that the defendant is a habitual offender under subdivision c of subsection 1. The court must find that the defendant is a habitual offender by a preponderance of the evidence.
5. Except in the most extraordinary cases, the court shall obtain a presentence report and may receive a diagnostic testing report under subsection 5 of section 12.1-32-02 before holding a hearing under this subsection. The court shall fix a time for the hearing and notice thereof must be given to the defendant and the prosecution at least five days prior thereto. The court shall permit the prosecution and counsel for the defendant, or the defendant if the defendant is not represented by counsel, to inspect the presentence report sufficiently ~~prior to~~ before the hearing as to afford a reasonable opportunity for verification. In extraordinary cases, the court may withhold material not relevant to a proper sentence,

diagnostic opinion which that might seriously disrupt a program of rehabilitation, any source of information obtained on a promise of confidentiality, and material previously disclosed in open court. A court withholding all or part of a presentence report shall inform the parties of its action and place in the record the reasons therefor. The court may require parties inspecting all or part of a presentence report to give notice of any part thereof intended to be controverted. In connection with the hearing, the defendant is entitled to compulsory process and cross-examination of such witnesses as appear at the hearing. A duly authenticated copy of a former judgment or commitment is prima facie evidence of such former judgment or commitment. ~~If it appears by a preponderance of the information, including information submitted during the trial of such felony and the sentencing hearing and so much of the presentence report as the court relies upon the jury or the court finds, after hearing, one or more of the grounds set forth in subsection 1,~~ that the defendant is a dangerous special offender or a habitual offender, the court shall sentence the defendant to imprisonment for an appropriate term within the limits specified in subsection 2. ~~The court shall place in the record its findings including an identification of the information relied upon in making such findings and its reasons for the sentence imposed."~~

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2039, SB 2045, SB 2105, SB 2181, SB 2187, SB 2246, SB 2257, SB 2265, SB 2281, SB 2361, SB 2365, SB 2384.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2039**

Page 1, line 12, replace "two" with "five" and remove "fifty"

Page 1, line 15, replace "two" with "five" and remove "fifty"

Page 1, line 23, replace "two" with "five" and remove "fifty"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2045**

Page 1, line 1, replace "section" with "sections 14-05-24 and"

Page 1, line 2, after "to" insert "the division of property in divorce proceedings and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 14-05-24 of the North Dakota Century Code is amended and reenacted as follows:

**14-05-24. Permanent alimony– Division of property.**

1. When a divorce is granted, the court shall make ~~such an~~ equitable distribution of the real and personal property and debts of the parties as may seem just and proper, and may compel either of the parties to provide for the maintenance of the children of the marriage, and to make such suitable allowances to the other party for support during life or for a shorter period as to the court may seem just, having regard to the circumstances of the parties respectively. ~~The court from time to time may modify its orders in these respects.~~
2. The court may redistribute property in a postjudgment proceeding if a party has failed to disclose property and debts as required by rules adopted by the supreme court, or the party fails to comply with the terms of a court order distributing property and debts."

Renumber accordingly

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2105**

Page 2, line 8, remove "this" and after "chapter" insert "27-20"

Renumber accordingly



**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2181**

Page 1, line 1, remove "a new section to chapter 40-57.3 and"

Page 1, line 2, remove "authority of cities to impose"

Page 1, line 3, remove "motor vehicle rental taxes and a" and remove "to amend"

Page 1, remove line 4

Page 1, line 5, remove "limitations on the sales tax exemption for rentals of motor vehicles;"

Page 1, remove lines 8 through 15

Page 1, remove the underscore under lines 18 and 19

Page 1, line 20, remove the underscore under "surcharge on each rental contract at the time a vehicle" and insert immediately thereafter "of a gross vehicle weight of ten thousand pounds [4535.92 kilograms] or less" and remove the underscore under "is rented from the company in this state."

Page 1, remove the underscore under lines 21 and 22

Page 1, line 23, remove the underscore under "contract, excluding taxes" and insert immediately thereafter ", fuel collections, or other ancillary products sold to customers such as collision damage waiver, supplemental liability protection, personal accident insurance, and personal effects coverage" and remove the underscore under the period

Page 2, remove the underscore under lines 1 through 15

Page 2, remove lines 16 through 21

Re-number accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2187**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of trusts for individuals with disabilities.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. TRUSTS FOR INDIVIDUALS WITH DISABILITIES - LEGISLATIVE COUNCIL STUDY.** During the 2001-02 interim, the legislative council shall consider studying trusts for individuals with disabilities. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Re-number accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2246**

Page 1, line 7, after the second "the" insert "acquisition," and after "retention" insert a comma

Page 1, line 10, after "but" insert ", except as provided below,"

Page 1, line 17, replace "purchases or" with "acquires a replacement policy for the trust which replaces an existing policy owned by the trust or previously owned by the trust. The trustee's exonerated from duty provided in this section does not apply to the replacement policy and only applies to a policy transferred to a trust by the grantor or some other party other than the trustee or acquired by the trustee of a trust which before the acquisition of the policy had never owned any such life insurance policy."

Page 1, remove lines 18 and 19

Re-number accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2257**

Page 1, line 20, after the first "judge" insert "licensed to practice law in this state"

Re-number accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2281**

Page 1, line 10, replace "may be" with "is"

Page 1, line 11, after "state" insert "upon entry into this state"

Page 1, line 14, after "person" insert "in this state"

Renumber accordingly

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2361**

Page 1, line 3, remove "; and to provide an appropriation"

Page 1, line 21, remove "Any information or material distributed"

Page 1, remove lines 22 through 24

Page 2, line 9, after the period insert "The materials required under this subsection must be reviewed, updated, and reprinted as needed."

Page 2, line 10, overstrike "this section" and insert immediately thereafter "subsection 1" and remove "be reviewed, updated, and if"

Page 2, line 11, remove "needed, reprinted at least once every four years, must"

Page 2, line 13, after "and" insert ", except for copyrighted material."

Page 2, line 14, after "website" insert ". The department may make the copyrighted material available on its internet website if the department pays the copyright royalties"

Page 2, remove lines 15 through 28

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2265**

Page 1, line 19, remove the overstrike over "~~the lesser of~~", after "~~one~~" insert "five", remove the overstrike over "~~hundred dollars or~~"

Page 1, line 20, remove "up to"

Page 2, line 6, remove the overstrike over "~~the lesser of~~", after "~~one~~" insert "five", remove the overstrike over "~~hundred dollars or~~", and remove "up to"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2365**

Page 1, line 9, replace ", an assistance dog is" with ":

1. "Assistance dog" includes"

Page 1, line 10, after the underscored period insert "The term includes guide dogs that guide individuals who are legally blind, hearing dogs that alert individuals who are hard of hearing to specific sounds, and service dogs for individuals with disabilities other than blindness or deafness. The term does not include a dog that is not trained to mitigate an individual's disability, but the presence of which is to provide for the comfort, protection, or personal defense of an individual."

2. "Service dogs" includes dogs trained to perform a variety of physical tasks, including pulling a wheelchair, lending balance support, retrieving dropped objects, and providing assistance in a medical crisis."

Page 2, line 8, after "international" insert ", international federation of guide dog schools, or United States council of dog guide schools"

Page 2, line 31, overstrike "contributory negligence" and insert immediately thereafter "fault"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2384**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 50-25.1-11 of the North Dakota Century Code, relating to authorized disclosures of confidential records.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 50-25.1-11 of the North Dakota Century Code is amended and reenacted as follows:

**50-25.1-11. Confidentiality of records - Authorized disclosures.** All reports made under this chapter, as well as any other information obtained, are confidential and must be made available to:

1. A physician who has before the physician a child whom the physician reasonably suspects may have been abused or neglected.
2. A person who is authorized to place a child in protective custody and has before the person a child whom the person reasonably suspects may have been abused or neglected and the person requires the information in order to determine whether to place ~~such~~the child in protective custody.
3. Authorized staff of the department, appropriate county social service boards, and appropriate state and local child protection team members.
4. Any person who is the subject of a report; provided, however, that the identity of persons reporting under this chapter is protected.
5. Public officials and their authorized agents who requires~~such~~ the information in connection with the discharge of their official duties.
6. A court whenever ~~#~~ the court determines that the information is necessary for the determination of an issue before the court.
7. A person engaged in a bona fide research purpose; provided, however, that no information identifying the subjects of a report is made available to the researcher unless the information is absolutely essential to the research purpose and the department gives prior approval.
8. A person who is identified in subsection 1 of section 50-25.1-03, and who has made a report of suspected child abuse or neglect, if the child is likely to or continues to come before the reporter in the reporter's official or professional capacity.
9. Parents or a legally appointed guardian of a child who is suspected of being, or having been, abused or neglected, provided the identity of persons making reports or supplying information under this chapter is protected. Unless the information under section 44-04-18.7 is confidential, when a decision is made that services are required to provide for the protection and treatment of an abused or neglected child, the department shall make a good-faith effort to provide written notice of the decision to persons identified in this subsection. The department shall consider any known domestic violence when providing notification under this section.

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass: SB 2066, SB 2267, SB 2400, SCR 4035.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently failed: SB 2336.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1398 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1398:** Reps. Klemin; Disrud; Onstad

**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 1:00 p.m., Tuesday, March 20, 2001, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1065, as engrossed: 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). Engrossed HB 1065 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1066, as reengrossed: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1066 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact section 47-30.1-21.1 of the North Dakota Century Code, relating to abandoned property payments; and to"

Page 1, after line 4, insert:

**"SECTION 1.** Section 47-30.1-21.1 of the North Dakota Century Code is created and enacted as follows:

47-30.1-21.1. Crediting of dividends, interest, or increments to owner's account. Whenever property in the form of stocks, bonds, or cash is paid or delivered to the administrator under this chapter, the owner is entitled to receive any dividends, interest, or other increments realized or accruing on the property. If the property does not have an interest or dividend rate assigned to it, the owner is entitled to receive simple interest at the annual rate of four percent of the property originally received. Interest or dividends do not accrue to an owner after five years from the date of the administrator's original receipt of the property."

Page 1, line 15, remove "electronic or printed"

Page 1, line 16, remove the overstrike over "~~in a newspaper of general circulation in the county in which the property is to~~"

Page 1, line 17, remove the overstrike over "~~be sold~~"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1189, as engrossed: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1189 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to cancellation of a minor's driving privileges; and"

Page 1, line 2, replace the second "section" with "sections 39-06-35,"

Page 1, line 6, after the first comma insert "suspended licenses,"

Page 1, after line 8, insert:

**"SECTION 1.** A new section to chapter 26.1-40 of the North Dakota Century Code is created and enacted as follows:

Cancellation of minor's driving privileges - Effect. An insurer may not use or rely on the cancellation of a minor's driving privileges under section 39-06-01.1 as a reason to cancel, deny, or not renew the automobile insurance policy of the minor or a parent of the minor."

Page 2, after line 19, insert:

"**SECTION 5. AMENDMENT.** Section 39-06-35 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-06-35. Period of suspension.** When the period of suspension imposed under this title ceases, the operator's license or driving privilege that has been suspended may not be returned or reinstated, and remains under suspension, until the operator pays to the director a reinstatement fee of fifty dollars, or twenty-five dollars if the suspension was the result of a suspension under subsection 4, 5, or 7 of section 39-06-03 or subsection 2 of section 39-06-32, or one hundred dollars if the suspension was the result of a violation under section 39-08-01 or chapter 39-20, and, if applicable, until compliance with subsection 3.1 of section 39-06.1-10. Upon payment of the reinstatement fee the license must be returned to the operator. A reinstatement fee is not required for a license to be returned to the operator if the return of the license is due to the findings of a hearing, reexamination of hearing, or court or judicial review under chapter 39-06, 39-06.1, or 39-20."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1206, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1206 was placed on the Sixth order on the calendar.

Page 1, line 3, after "property" insert "; and to provide for a legislative council study"

Page 1, after line 22, insert:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying all aspects of improvements by special assessment and property tax assessment and abatements, to include a determination of the true and full value of subsidized housing for property tax assessments, and the homestead tax valuation for senior citizens. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1242: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1242 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1245: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1245 was placed on the Sixth order on the calendar.

Page 1, line 2, after "number" insert "; and to provide an effective date"

Page 1, line 14, after "number" insert "unless specifically requested by an applicant"

Page 2, after line 5, insert:

**"SECTION 2. EFFECTIVE DATE - IMPLEMENTATION.** This Act becomes effective on January 1, 2002, and the director of the department of transportation shall implement this Act through regular license issuance, renewal, and replacement procedures."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1249: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1249 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1285, as engrossed: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO NOT PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1285 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1289: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1289 was placed on the Sixth order on the calendar.

Page 1, line 11, after "additional" insert "annual", replace "ten" with "fifteen", and replace "to cover the cost of issuing the distinctive number" with "for deposit in the highway fund"

Page 1, line 12, remove the first "plates"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1322, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1322 was placed on the Sixth order on the calendar.

Page 1, line 7, after "for" insert "that portion of"

Page 1, line 8, after "program" insert "which pertains to cattle, horses, and mules"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1391, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1391 was placed on the Sixth order on the calendar.

Page 4, line 2, after "injury" insert "or property damage"

Page 5, line 3, replace "board" with "commissioner"

Page 10, line 9, replace "If" with "In any civil action against the owner, operator, or dealer for damages resulting from a petroleum release, if the pre-leak condition of real estate is an issue and if", replace the first "value" with "pre-leak condition", and replace the second "value" with "condition"

Page 10, line 12, replace "finding does" with "fund may"

Page 10, line 15, after "accepting" insert "monetary" and after "compensation" insert "directly"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1408: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1408 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1409, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1409 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new section to chapter 23-27 and"

Page 1, line 3, remove "; and to provide an effective date"

Page 1, remove lines 5 through 18

Page 2, line 13, replace "with" with "for", after "all" insert "printed and recorded", and replace "to be maintained for at least" with "in accordance with jurisdictional requirements"

Page 2, line 14, remove "one year"

Page 2, line 15, after "available" insert "for 911 calls"

Page 2, line 26, replace "February" with "June"

Page 2, line 27, after the first "of" insert "medical"

Page 4, line 4, replace "nearest available" with "appropriate"

Page 4, line 5, remove "from the cellular site"

Page 4, remove lines 18 and 19

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1423, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1423 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "18-08-12," and remove the second comma

Page 1, remove lines 4 through 22

Page 3, line 18, after "of" insert ":

- a. One representative appointed by the North Dakota chapter of the American institute of architects;
- b. One representative appointed by the North Dakota society of professional engineers;
- c. One representative appointed by the North Dakota association of builders;
- d. One representative appointed by the North Dakota association of mechanical contractors;
- e. One representative appointed by the associated general contractors;  
and
- f. Representatives of eligible jurisdictions as established by administrative rule."

Page 3, remove line 19

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1437, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1437 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to religious and secular speech in schools; and to repeal section 15.1-19-03 of the North Dakota Century Code, relating to periods of silence during a schoolday.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

**Recitation of prayer - Period of silence - Pledge of allegiance.**

1. A student may voluntarily pray aloud or participate in religious speech at any time before, during, or after the school day to the same extent a student may voluntarily speak or participate in secular speech.
2. A school board, school administrator, or teacher may not impose any restriction on the time, place, manner, or location of any student-initiated religious speech or prayer which exceeds the restriction imposed on students' secular speech.
3. A school board may, by resolution, allow a classroom teacher to impose up to one minute of silence for meditation, reflection, or prayer at the beginning of each school day.
4. A school board may authorize the voluntary recitation of the pledge of allegiance by a teacher or one or more students at the beginning of each school day. A student may not be required to recite the pledge of allegiance, stand during the recitation of the pledge of allegiance, or salute the American flag.

**SECTION 2. REPEAL.** Section 15.1-19-03 of the North Dakota Century Code is repealed."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1459, as engrossed: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1459 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "six" with "up to three"

Page 1, line 15, replace "one year" with "up to six months"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3002: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3002 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3033: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3033 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3056: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3056 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3065: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3065 was placed on the Tenth order on the calendar.

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

**WILLIAM R. HORTON, Secretary**