

JOURNAL OF THE HOUSE

Fifty-seventh Legislative Assembly

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Bismarck, February 16, 2001

The House convened at 12:30 p.m., with Speaker Bernstein presiding.

The prayer was offered by Carol Two Eagles, Standing Rock, Fort Yates.

The roll was called and all members were present except Representatives Nicholas and Tieman.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on February 16, 2001, I have signed the following: HB 1092 and HB 1180.

MOTION

REP. BELTER MOVED that the House suspend the rules and allow rereferrals to the Appropriations Committee today, the 29th legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. BELTER MOVED that the amendments on the Sixth order of business to HB 1084 HB 1085, HB 1229, HB 1321, HB 1326, HB 1337, HB 1350, HB 1358, HB 1398, HB 1403, HB 1407, HB 1414, HB 1432, HB 1444, HB 1451, HB 1477, SB 2046, and SB 2230 be adopted, which motion prevailed.

HB 1407 and HB 1414, as amended, were rereferred to the **Appropriations Committee**.

HB 1084 HB 1085, HB 1229, HB 1321, HB 1326, HB 1337, HB 1350, HB 1358, HB 1398, HB 1403, HB 1432, HB 1444, HB 1451, and HB 1477, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SB 2046 and SB 2230, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. BERG MOVED that HB 1319 be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1319 was rereferred.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT
CALENDAR

HCR 3027: A concurrent resolution urging Congress to correct the inequities of international trade policy.

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 resources within local road projects.

HCR 3039: A concurrent resolution to encourage the Secretary of State to appoint a committee to conduct a comprehensive study of North Dakota election laws.

The question being on the final adoption of the resolutions, which have been read.

HCR 3027, HCR 3037, and HCR 3039 passed on a voice vote, and the titles were agreed to.

MOTION

REP. BELTER MOVED that HB 1300 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1322: A BILL for an Act to create and enact a new section to chapter 36-09 of the North Dakota Century Code, relating to livestock identification.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Nicholas; Tieman

Engrossed HB 1322 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4039.

SECOND READING OF SENATE BILL

HB 1048: A BILL for an Act to amend and reenact section 16.1-05-06 of the North Dakota Century Code, relating to challenging the right of a person to vote.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 47 YEAS, 49 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehm; Brandenburg; Byerly; Carlson; Clark; DeKrey; Devlin; Dosch; Froelich; Froseth; Grande; Gulleon; Hawken; Herbel; Jensen; Johnson, N.; Kasper; Keiser; Kelsch, R.; Klein, F.; Klein, M.; Klemin; Kliniske; Koppelman; Lemieux; Meier; Metcalf; Monson; Nelson; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Timm; Wald; Weisz; Speaker Bernstein

NAYS: Aarsvold; Boucher; Brekke; Brusegaard; Carlisle; Cleary; Delmore; Delzer; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Galvin; Glassheim; Grosz; Grumbo; Gunter; Haas; Hanson; Huether; Hunsakor; Johnson, D.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Koppang; Kretschmar; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Mueller; Niemeier; Onstad; Renner; Sandvig; Schmidt; Solberg; Thoreson, L.; Thorpe; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham

ABSENT AND NOT VOTING: Nicholas; Tieman

Engrossed HB 1048 lost.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4039: A concurrent resolution welcoming Miss America 2001 Angela Perez Baraquio to North Dakota and supporting her efforts to promote character education in schools. Was read the first time.

MOTION

REP. BELTER MOVED that the rules be suspended, that SCR 4039 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. G. Nelson, Krauter and Reps. Belter, Boucher introduced:

SENATE CONCURRENT RESOLUTION NO. 4039

A concurrent resolution welcoming Miss America 2001 Angela Perez Baraquio to North Dakota and supporting her efforts to promote character education in schools.

WHEREAS, acts of violence by youth have prompted discussions regarding the role of teachers in developing students' core ethics and values; and

WHEREAS, teachers, more than any other adults besides parents, directly influence the character attributes students develop; and

WHEREAS, a renewed emphasis on character education is urgently needed to support the ethical, social, and academic development of students; and

WHEREAS, in addition to focusing attention on the provision of character education, increased value must be placed on teachers; and

WHEREAS, despite the challenges, teachers need support in their efforts to provide positive character development; and

WHEREAS, Angela Perez Baraquio, Miss America 2001, is a professional educator who has dedicated her year as Miss America to communicating the importance of teaching values while valuing teachers;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Fifty-seventh Legislative Assembly welcomes Miss America 2001 Angela Perez Baraquio to North Dakota and supports her efforts to promote character education in schools; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to Ms. Angela Perez Baraquio and to the Miss America organization.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4039: A concurrent resolution welcoming Miss America 2001 Angela Perez Baraquio to North Dakota and supporting her efforts to promote character education in schools.

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

SCR 4039 was declared adopted on a voice vote.

MOTION

REP. MONSON MOVED that a committee of two be appointed to escort Ms. Angela Perez Baraquio into the Chamber, which motion prevailed. **SPEAKER BERNSTEIN APPOINTED** Rep. Belter and Rep. Boucher.

MOTION

REP. BELTER MOVED that the remarks of Angela Perez Baraquio be printed in the Journal, which motion prevailed.

REMARKS OF MISS AMERICA, ANGELA PEREZ BARAQUIO**Character in the Classroom: Teaching Values, Valuing Teachers**

Incidents like the Columbine school massacre and other acts of violence by youth have led to increased discussion about the role teachers play in developing their students' core ethics and values. It is widely agreed that teachers, more than any other adults besides parents, directly influence the character attributes youngsters develop. Through formal instruction, coaching and everyday behavior, teachers communicate and pass on their own traits and ethics to children.

From parents to teachers to school administrators to elected officials, everyone agrees that a renewed emphasis on character education is urgently needed to support the ethical, social and academic development of our youth. Children are dying every day from drug overdoses, violence and suicides because they have fewer and fewer decent role models to influence them. Schools can help by paying greater attention to establishing the caring environment that our children need.

In addition to improving our focus on providing students with character education, we must also increase the value we place on teachers who are at the forefront of helping our children succeed. Communities need to place greater emphasis on the workplace conditions teachers face. Many of our schools are in need of basic building repairs or renovations. At the same time, 22 percent of all new teachers leave the profession within three years not only because they can't **afford** to teach anymore, but because the rewards don't outweigh the challenges they face. If predictions hold true, by 2010 our nation's classrooms will suffer from a shortage of up to one million teachers.

As an educator myself, I'm well aware of the challenges my colleagues face. They are all too often undervalued, unappreciated and inadequately compensated. Many times they are forced to reach into their own pockets for much-needed supplies and teaching tools. Despite their sacrifices, when the character of one of their students comes into question, teachers may shoulder unnecessary blame. **If America's teachers are to be responsible for teaching our children to become honorable people, then America's teachers need to be treated like honorable people.**

Despite the severity of these problems, they can be overcome. We must correct the errors of our past and actively support teachers in providing character education. We must make our communities places where teachers are valued first, not last. We must correct the inequity in pay scales where, according to American Federation of Teachers' figures, new teachers earn approximately 40 percent less than the entry-level salaries for engineers and computer scientists. And we must provide teachers with adequate resources - in the classroom, the lab and the gymnasium. Correcting these problems rests not only with administrators and legislators. Every American is responsible for demonstrating value for the role teachers play in shaping our country's future generations.

As Miss America 2001, I will dedicate my efforts to communicating the importance of teaching values **while** valuing teachers.

Throughout the coming months, I will champion three core principles. First, I will work to see that every educational institution adopts or creates a formal, quality initiative that infuses character development into its daily school culture and curriculum. Second, I will encourage schools to consider the various character education options that exist so each can customize its efforts to meet the unique needs of its own students. Third, I will serve as a prominent voice for **all** teachers in their fight to achieve quality compensation for quality education. Beyond the financial aspects of teachers' compensation, they must also receive other support such as appropriate resources for their classrooms, professional development opportunities and respect.

Specifically, I will speak both as Miss America and as a professional educator, shining our Organization's spotlight on these important messages:

I will represent the interests of the character development movement in America, while standing on behalf of my fellow teachers to draw attention to the critical role they play in the lives of our nation's youth;

I will reach out to students, encouraging them to open their minds and hearts to the messages of good character;

I will encourage parents to value their children by valuing their children's teachers. I will especially ask those parents who can effect change in their communities to do so; and

I will challenge education administrators, government officials, civic leaders, business people and other concerned individuals to transform rhetoric into action by joining together in support of character education - and the teachers who are responsible for it - within local schools and throughout their communities.

All of these promises are based on a single goal: When I complete my year as Miss America and resume my career as a professional educator, teaching values and valuing teachers will have greater significance for hundreds of thousands of deserving men and women who comprise the ranks of America's teachers. In my dual roles as Miss America and a teacher, I will help young people develop a greater understanding of and access to positive character development. My ultimate hope is that our children will someday **feel** the impact of our collective efforts today.

SECOND READING OF HOUSE BILL

HB 1051: A BILL for an Act to create and enact chapter 4-42, a new subsection to section 26.1-05-19, a new subdivision to subsection 1 of section 57-38-01.2, a new subdivision to subsection 1 of section 57-38-01.3, a new subdivision to subsection 3 of section

57-38-30.3, a new subdivision to subsection 4 of section 57-38-30.3, and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to the establishment and operation of the farmers equity trust fund, issuance of revenue bonds for support of the fund, investments, and income tax credits for investments in bonds and deductions for interest on bonds issued for support of the fund; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 59 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brusegaard; Cleary; DeKrey; Delmore; Disrud; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleeson; Hanson; Huether; Hunskor; Jensen; Johnson, D.; Kelsh, S.; Kerzman; Kretschmar; Kroeber; Lemieux; Maragos; Metcalf; Monson; Mueller; Nelson; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich

NAYS: Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Delzer; Devlin; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Hawken; Herbel; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Mahoney; Martinson; Meier; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Nicholas; Tieman

Engrossed HB 1051 lost.

SECOND READING OF HOUSE BILL

HB 1087: A BILL for an Act to amend and reenact subsections 3 and 4 of section 52-04-05, section 52-04-08, and subsection 1 of section 52-04-11.1 of the North Dakota Century Code, relating to unemployment compensation employer industrial classification, employer experience record, employer experience record transfers, and corporate officer personal liability; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Nicholas; Tieman

Engrossed HB 1087 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1345: A BILL for an Act to amend and reenact subsection 12 of section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for residents of adjoining states; to repeal section 57-39.2-28 of the North Dakota Century Code, relating to sales tax refunds for Canadian residents; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 54 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Brandenburg; Brekke; Brusegaard; Byerly; Carlson; Clark; DeKrey; Delzer; Devlin; Disrud; Froelich; Froseth; Galvin; Grande; Gunter; Hanson; Herbel; Huether; Johnson, D.; Johnson, N.; Kelsch, R.; Kingsbury; Klein, F.; Klein, M.; Koppelman; Kretschmar; Monson; Nelson; Pietsch; Porter; Price; Renner; Severson; Skarphol; Svedjan; Thoreson, B.; Wald; Weisz; Wikenheiser; Wrangham

NAYS: Aarsvold; Berg; Boehm; Boucher; Carlisle; Cleary; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Glassheim; Grosz; Grumbo; Gulleson; Haas; Hawken; Hunskor; Jensen; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Klemin; Kliniske; Koppang; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Mueller; Niemeier; Nottestad; Onstad; Pollert; Rennerfeldt; Ruby; Sandvig; Schmidt; Solberg; Thoreson, L.; Thorpe; Timm; Warner; Weiler; Wentz; Winrich; Speaker Bernstein

ABSENT AND NOT VOTING: Nicholas; Tieman

Engrossed HB 1345 lost.

SECOND READING OF HOUSE BILL

HB 1381: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for employers for contributions or support for child care programs for dependents of employees; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 47 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brekke; Clark; Cleary; Delmore; Disrud; Dosch; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleson; Hanson; Hawken; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kelsh, S.; Kerzman; Koppang; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Mueller; Niemeier; Nottestad; Onstad; Renner; Sandvig; Schmidt; Solberg; Thoreson, B.; Thoreson, L.; Thorpe; Warner; Wentz; Winrich

NAYS: Bellew; Belter; Berg; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; DeKrey; Delzer; Devlin; Drovdal; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Herbel; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppelman; Monson; Nelson; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Timm; Weiler; Weisz; Wikenheiser; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Nicholas; Tieman; Wald

Engrossed HB 1381 lost.

SECOND READING OF HOUSE BILL

HB 1390: A BILL for an Act to provide a legislative council study of biodiesel fuel and its integration into the agricultural economy of this state.

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 78 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grande; Grumbo; Gulleson; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson;

Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Solberg; Thoreson, B.; Thoreson, L.; Thorpe; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Bernstein

NAYS: Bellew; Byerly; Delzer; Froseth; Galvin; Grosz; Gunter; Kasper; Kelsch, R.; Klein, M.; Porter; Price; Skarphol; Svedjan; Timm; Wald; Weiler; Wrangham

ABSENT AND NOT VOTING: Nicholas; Tieman

Engrossed HB 1390 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1422: A BILL for an Act to amend and reenact sections 45-11-01 and 47-25-01 of the North Dakota Century Code, relating to fictitious and trade names.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Boucher; Galvin; Nicholas; Thoreson, L.; Tieman

Engrossed HB 1422 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1426: A BILL for an Act to amend and reenact subsection 11 of section 16.1-01-12, subsection 4 of section 16.1-08.1-01, and sections 16.1-08.1-03.1 and 16.1-08.1-04 of the North Dakota Century Code, relating to initiated or referred measure contribution statements definitions and contribution reporting; and to repeal section 16.1-08.1-03.6 of the North Dakota Century Code, relating to federal campaign committee contributions and contributions made to other candidates.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Nicholas; Tieman

Engrossed HB 1426 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1446: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to prior written notification of price increases for nonessential telecommunications services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 86 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Clark; Disrud; Glassheim; Hanson; Johnson, N.; Kelsh, S.; Koppang; Metcalf; Thorpe

NAYS: Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Cleary; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hawken; Herbel; Huether; Hunsakor; Jensen; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Nicholas; Tieman

Engrossed HB 1446 lost.

SECOND READING OF HOUSE BILL

HB 1453: A BILL for an Act to create and enact a new subsection to section 12.1-05-02 and a new subsection to section 12.1-32-07 of the North Dakota Century Code, relating to execution of public duty and conditions of probation.

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 52 YEAS, 42 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Boucher; Brekke; Cleary; DeKrey; Delmore; Disrud; Eckre; Ekstrom; Fairfield; Glassheim; Grande; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Kliniske; Koppang; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Mueller; Nelson; Niemeier; Nottestad; Onstad; Porter; Price; Sandvig; Schmidt; Solberg; Thoreson, L.; Warner; Wentz; Winrich; Speaker Bernstein

NAYS: Aarsvold; Bellew; Belter; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Delzer; Devlin; Dosch; Drovdal; Froelich; Froseth; Galvin; Grosz; Grumbo; Huether; Kasper; Kempenich; Klein, F.; Klein, M.; Koppelman; Lloyd; Monson; Pietsch; Pollert; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thorpe; Timm; Wald; Weiler; Weisz; Wikenheiser

ABSENT AND NOT VOTING: Berg; Nicholas; Tieman; Wrangham

Engrossed HB 1453 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1460: A BILL for an Act to amend and reenact section 40-63-07 of the North Dakota Century Code, relating to the limitation on the total amount of tax credits for investments in renaissance fund corporations; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 68 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Grande; Grosz; Gulleson; Gunter; Haas; Hawken; Huether; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Klein, F.; Klein, M.; Klemin; Koppang; Koppelman; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Wald; Weiler; Weisz; Wentz; Winrich; Speaker Bernstein

NAYS: Aarsvold; Boehm; Cleary; Delzer; Fairfield; Froelich; Glassheim; Grumbo; Hanson; Herbel; Hunskor; Kempenich; Kerzman; Kingsbury; Kliniske; Kretschmar; Kroeber; Lloyd; Mueller; Niemeier; Onstad; Ruby; Schmidt; Solberg; Thorpe; Warner; Wikenheiser; Wrangham

ABSENT AND NOT VOTING: Nicholas; Tieman

Engrossed HB 1460 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1161: A BILL for an Act to amend and reenact section 65-05-12.2 of the North Dakota Century Code, relating to workers' compensation permanent impairment awards; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Maragos; Nicholas; Tieman

HB 1161 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1230: A BILL for an Act to amend and reenact section 52-01-02 of the North Dakota Century Code, relating to unemployment compensation reporting requirements of employers.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 93 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Kerzman; Mahoney

NAYS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan;

Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Maragos; Nicholas; Tieman

HB 1230 lost.

SECOND READING OF HOUSE BILL

HB 1249: A BILL for an Act to provide an appropriation to the state board of animal health for the purpose of defraying the expenses associated with the control of John's disease in North Dakota.

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 91 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Byerly; Delzer; Ruby

ABSENT AND NOT VOTING: Kelsh, S.; Maragos; Nicholas; Tieman

HB 1249 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1288: 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 teacher salary increases; and to amend and reenact section 15.1-09-55 of the North Dakota Century Code, relating to the employment of school district superintendents.

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 20 YEAS, 75 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Brandenburg; Carlson; Delzer; Grande; Grosz; Grumbo; Herbel; Kasper; Kempenich; Klein, F.; Koppelman; Kretschmar; Ruby; Skarphol; Thoreson, B.; Timm; Wald; Weiler; Wikenheiser; Wrangham

NAYS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Guleson; Gunter; Haas; Hanson; Hawken; Huether; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, L.; Thorpe; Warner; Weisz; Wentz; Winrich; Speaker Bernstein

ABSENT AND NOT VOTING: Maragos; Nicholas; Tieman

HB 1288 lost.

SECOND READING OF HOUSE BILL

HB 1301: A BILL for an Act to amend and reenact subsection 2 of section 14 of chapter 169 of the 1999 Session Laws, relating to school district reorganization bonuses; to provide an appropriation; 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 92 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hawken; Herbel; Huether; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Hanson; Kroeber

ABSENT AND NOT VOTING: Maragos; Nicholas; Tieman; Wald

HB 1301 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1302: A BILL for an Act to amend and reenact section 47-14-09 of the North Dakota Century Code, relating to the application of state usury laws to licensed pawnbrokers.

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 77 YEAS, 17 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Kliniske; Koppang; Kretschmar; Kroeber; Lloyd; Mahoney; Martinson; Meier; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Speaker Bernstein

NAYS: Aarsvold; Boucher; Byerly; Ekstrom; Fairfield; Froelich; Glassheim; Gulleon; Kelsh, S.; Kerzman; Koppelman; Lemieux; Metcalf; Thorpe; Warner; Winrich; Wrangham

ABSENT AND NOT VOTING: Klemin; Maragos; Nicholas; Tieman

HB 1302 passed and the title was agreed to.

MOTION

REP. TIMM MOVED that HB 1367 be brought back from Appropriations Committee and be placed on the top of the Eleventh Order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1367: A BILL for an Act to amend and reenact sections 12.1-32-09.1 and 19-03.1-23.1 of the North Dakota Century Code, relating to sentencing for drug offenses.

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 89 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Speaker Bernstein

NAYS: Fairfield; Grande; Sandvig; Wrangham

ABSENT AND NOT VOTING: Brekke; Hunskor; Maragos; Nicholas; Tieman

Engrossed HB 1367 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1309: A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to the administrative duties of school principals.

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 15 YEAS, 79 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Belter; Boehm; Brandenburg; Carlson; Clark; Delzer; Grande; Grosz; Kasper; Klein, F.; Klein, M.; Pietsch; Ruby; Thoreson, B.; Wald

NAYS: Aarsvold; Bellew; Berg; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, L.; Thorpe; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Gulleson; Maragos; Nicholas; Tieman

HB 1309 lost.

SECOND READING OF HOUSE BILL

HB 1387: A BILL for an Act to amend and reenact sections 49-02-01, 49-02-01.1, and 49-02-03 of the North Dakota Century Code, relating to jurisdiction of the public service commission over rural electric cooperative irrigation electric rates.

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 9 YEAS, 83 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Belter; Brusegaard; Eckre; Hawken; Keiser; Kingsbury; Klein, M.; Pietsch; Sandvig

NAYS: Aarsvold; Bellew; Berg; Boehm; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein, F.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Gulleeson; Herbel; Maragos; Nicholas; Tieman; Timm

HB 1387 lost.

SECOND READING OF HOUSE BILL

HB 1406: A BILL for an Act to amend and reenact subsection 8 of section 26.1-01-03 of the North Dakota Century Code, relating to the duty of the insurance commissioner to send annual reports.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Gulleeson; Hawken; Maragos; Nicholas; Tieman

HB 1406 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1412: A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 11 of section 65-01-02 of the North Dakota Century Code, relating to compensable injuries for workers' compensation; and to amend and reenact paragraph 1 of subdivision b of subsection 11 of section 65-01-02 of the North Dakota Century Code, relating to noncompensable injuries for workers' compensation.

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 17 YEAS, 77 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Ekstrom; Fairfield; Grumbo; Gulleeson; Hanson; Kelsh, S.; Kerzman; Kroeber; Niemeier; Onstad; Schmidt; Solberg; Thorpe; Warner

NAYS: Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gunter; Haas; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Hawken; Maragos; Nicholas; Tieman

HB 1412 lost.

SECOND READING OF HOUSE BILL

HB 1418: A BILL for an Act to create and enact a new section to chapter 15-62.1 of the North Dakota Century Code, relating to student loan reductions; and to provide an appropriation.

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 0 YEAS, 94 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Hawken; Maragos; Nicholas; Tieman

HB 1418 lost.

SECOND READING OF HOUSE BILL

HB 1429: A BILL for an Act to amend and reenact sections 65-04-04.2 and 65-07-03 of the North Dakota Century Code, relating to workers' compensation premiums; and to provide for application.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 85 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Kasper; Klein, M.; Niemeier; Ruby

NAYS: Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wald; Warner; Weiler; Weisz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Froelich; Hawken; Maragos; Nicholas; Tieman; Wentz

HB 1429 lost.

SECOND READING OF HOUSE BILL

HB 1436: A BILL for an Act to amend and reenact section 65-04-17 and subsection 1 of section 65-04-26.1 of the North Dakota Century Code, relating to payments by employers to the workers compensation bureau; and to repeal section 65-05-07.2 of the North Dakota Century Code, relating to employers' reimbursements to the workers compensation bureau for certain medical expenses.

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 6 YEAS, 87 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bellew; Cleary; Dosch; Klein, F.; Meier; Ruby

NAYS: Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Herbel; Huether; Hunskor; Jensen; Johnson, D.;

Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wald; Warner; Weiler; Weisz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Hawken; Maragos; Nicholas; Tieman; Wentz

HB 1436 lost.

SECOND READING OF HOUSE BILL

HB 1471: A BILL for an Act to amend and reenact subsection 3 of section 52-04-05 of the North Dakota Century Code, relating to unemployment compensation employer rates; to provide an effective date; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Herbel; Huether; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wald; Warner; Weiler; Weisz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Delzer; Hawken; Maragos; Nicholas; Tieman; Wentz

HB 1471 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1479: A BILL for an Act to create and enact chapter 57-34.1 of the North Dakota Century Code, relating to the taxation of mobile telecommunications; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Herbel; Huether; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wald; Warner; Weiler; Weisz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Delzer; Hawken; Maragos; Nicholas; Tieman; Wentz

HB 1479 passed and the title was agreed to.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4002, SCR 4039.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1044.

REPORT OF STANDING COMMITTEE

HB 1033: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1033 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE (MAJORITY)

HB 1102: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) A **MAJORITY** of your committee (Reps. M. Klein, Grande, Bellew, Brusegaard, Clark, Devlin, Haas, Kasper, Klemin, Meier, Wikenheiser) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 9, after "two" insert "and two hundredths"

Page 1, line 20, after "dollars" insert "and twenty-five cents" and after "dollar" insert "and twenty-five cents"

Page 1, line 21, remove "In addition, an"

Page 1, remove lines 22 and 23

Page 2, remove lines 1 and 2

Renumber accordingly

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF STANDING COMMITTEE (MINORITY)

HB 1102: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) A **MINORITY** of your committee (Reps. Cleary, Hunskor, Metcalf, Kroeber) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 9, after "two" insert "and fifteen hundredths"

Page 1, line 19, replace "two" with "three"

Page 1, line 20, after "dollars" insert "and fifty cents" and after "dollar" insert "and seventy-five cents"

Page 1, line 21, remove "In addition, an"

Page 1, remove lines 22 and 23

Page 2, remove lines 1 and 2

Renumber accordingly

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF STANDING COMMITTEE

HB 1145: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1145 was placed on the Sixth order on the calendar.

Page 1, line 20, replace "The" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction."

Page 1, remove line 21

Page 2, line 6, replace "The factor is not adjusted for the second year of the" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction."

Page 2, remove line 7

Page 2, line 16, replace "The factor is not adjusted for the second year of the biennium" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction"

Page 2, line 25, replace "The factor is not adjusted for the second year of the biennium" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction"

Page 4, line 13, replace "The factor is not adjusted for the second year of the biennium" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction"

Page 5, line 4, replace "The factor is not adjusted for the second year of the biennium" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction"

Page 5, line 17, replace "The factor is not adjusted for the second year of the biennium" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction"

Page 5, line 28, replace "The factor is not adjusted for the second" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction."

Page 5, remove line 29

Page 6, line 10, replace "The factor is not adjusted for the second year of the biennium" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction"

Page 6, line 20, replace "The factor is not adjusted for" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction."

Page 6, remove line 21

Page 6, line 31, replace "The factor is not adjusted for" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction"

Page 7, line 1, remove "the second year of the biennium"

Page 7, line 26, replace "The factor is not adjusted" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction."

Page 7, remove line 27

Page 8, line 5, replace "The factor is not adjusted for the second year of the biennium" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction"

Page 8, line 14, replace "The factor is not adjusted for the second year of the biennium" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction"

Page 8, line 22, replace "The factor is not" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction."

Page 8, remove line 23

Page 9, line 31, replace "The factor is not adjusted for the second" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction"

Page 10, line 1, remove "year of the biennium"

Page 10, line 26, replace "The factor is not adjusted for the second year of the biennium" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction"

Page 11, line 4, replace "The factor is not adjusted for the second year of the biennium" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction"

Page 11, line 14, replace "The factor is not" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction"

Page 11, line 15, remove "adjusted for the second year of the biennium"

Page 11, line 25, replace "The factor is not adjusted for the second year of the biennium" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction"

Page 12, line 11, replace "The factor is not adjusted for the" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction."

Page 12, remove line 12

Page 12, line 20, replace "The factor is not" with "Beginning July 1, 2002, the factor is that which represents the five-year average cost of education per student for this category, as determined by the superintendent of public instruction"

Page 12, line 21, remove "adjusted for the second year of the biennium"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1173: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1173 was placed on the Sixth order on the calendar.

Page 1, line 13, remove "all of", overstrike "the person's" and insert immediately thereafter "any", and remove the overstrike over "~~vehicle~~"

Page 1, line 14, replace "vehicles" with "owned or operated by the person"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1210: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1210 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "and factory-built buildings" with "residential and commercial structures"

Page 1, line 5, replace "A" with "If Senate Bill No. 2032 of the fifty-seventh legislative assembly does not become effective, a"

Page 1, line 7, replace "and factory-built" with "residential and commercial"

Page 1, line 8, after "modular" insert "residential", replace "factory-built" with "commercial", and after "structure" insert "that is built in a factory"

Page 1, line 10, after "standards" insert "during the manufacturing process in the factory"

Page 1, line 14, replace "or factory-built" with "residential and commercial"

Page 1, line 15, after "modular" insert "residential" and replace "factory-built" with "commercial"

Page 1, line 17, after "modular" insert "residential" and replace "factory-built" with "commercial"

Page 1, line 18, after "structure" insert "during the manufacturing process in the factory"

Page 1, after line 18, insert:

"SECTION 2. If Senate Bill No. 2032 of the fifty-seventh legislative assembly becomes effective, a new section to chapter 54-21.3 of the North Dakota Century Code is created and enacted as follows:

Modular residential and commercial structures - Third-party inspections - Rules. The manufacturer of a modular residential or commercial structure that is built in a factory may contract with a third party for the inspection of the structure for compliance with all applicable building, electrical, fire, and plumbing codes and standards during the manufacturing process in the factory. A third party that conducts inspections and certifies compliance with all applicable codes and standards must be approved as a certified third-party inspector by the division of community services. The department of commerce shall adopt rules for the certification of inspectors and for the procedures to be followed in conducting inspections of modular residential and commercial structures. If a manufacturer of modular residential or commercial structures contracts with a certified third-party inspector to monitor compliance with all applicable building, electrical, fire, and plumbing codes and standards for a modular residential or commercial structure, no further inspection by state or local building, electrical, fire, or plumbing inspectors may be required for that structure during the manufacturing process in the factory."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1220: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1220 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "3" with "2" and replace "39-06-17" with "39-06-01.1"

Page 1, line 4, replace "3" with "2" and replace "39-06-17" with "39-06-01.1"

Page 1, replace lines 6 through 23 with:

- "2. If an individual has had that individual's license or permit canceled under subsection 1, the director shall deem that individual to have never have had any license or permit to operate a motor vehicle and may not issue any license or permit to drive other than an instruction permit or a restricted instruction permit after the completion of any period of suspension or revocation. After the issuance of an instruction permit or restricted instruction permit, the director may not issue any other license or permit to that individual until, while using the permit issued under this section, that individual:
 - a. (1) Completes a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
 - (2) Completes an internet course approved by the director and completes thirty hours of driving with that individual's parent or guardian in compliance with department rules designed for experience in various day and night driving conditions; or

(3) Successfully completes a course at an approved commercial driver training school; and

b. Satisfies all other requirements that apply to that individual for that license or permit."

Page 2, remove lines 1 through 8

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1269: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1269 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 two new subsections to section 20.1-03-12 of the North Dakota Century Code, relating to nonresident hunting fees; to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting zones; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-07.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

20.1-03-07.1. Nonresident waterfowl hunting license required- Zones. Except as otherwise provided in sections 20.1-03-07.2 and 20.1-03-07.3 and this section, a nonresident may not hunt waterfowl unless that person first obtains a nonresident waterfowl hunting license; ~~in addition to a nonresident small game hunting license.~~ The nonresident waterfowl hunting license entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days, any period of seven consecutive days, or any two periods of seven consecutive days each. A license authorizing the fourteen-day hunting period allows hunting in a specified waterfowl hunting zone. ~~A license authorizing one 7-day hunting period allows hunting statewide.~~ A license authorizing two 7-day hunting periods allows hunting in a specified zone during each period. ~~The governor, in the governor's proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued.~~ A nonresident all season waterfowl hunting license allows hunting in zone 1. A combination nonresident all season waterfowl and nonresident small game hunting license allows hunting in zone 1. A nonresident who purchases a nonresident all season waterfowl hunting license is not required to purchase a nonresident small game hunting license and the combination nonresident all season waterfowl and nonresident small game hunting license entitles the nonresident to hunt waterfowl in zone 1 and upland game statewide. Zones and the maximum number of licenses that may be issued in each zone are:

1. Zone 1 - that portion of the state north of a line described as follows: North Dakota highway 200 beginning at the Minnesota border, thence west to its intersection with United States highway 52, thence northwest along United States highway 52 to its intersection with United States highway 2, thence west along United States highway 2 to the Montana border - up to sixteen thousand licenses.
2. Zone 2 - that portion of the state south of North Dakota highway 200 and east of United States highway 281 - up to two thousand licenses.
3. Zone 3 - the remainder of the state - up to four thousand licenses.

The governor, in the governor's proclamation, may specify the number and the manner in which licenses are to be issued. The governor shall make fifteen percent of the nonresident waterfowl hunting licenses in any zone available to certified guides licensed in this state until July first of each year. Any licenses designated for certified guides remaining after July first of each year must be made available to nonresidents. A nonresident is entitled to purchase only one nonresident waterfowl hunting license per year.

SECTION 2. Two new subsections to section 20.1-03-12 of the 1999 Supplement to the North Dakota Century Code are created and enacted as follows:

For a nonresident all season waterfowl hunting license, one hundred thirty dollars.

For a combination nonresident all season waterfowl and nonresident small game hunting license, one hundred seventy dollars.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1273: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1273 was placed on the Sixth order on the calendar.

Page 2, line 18, after the period insert "A deferred sentence or federal pretrial diversion must be considered a conviction for purposes of this section."

Page 3, line 5, replace "five" with "eight"

Page 3, line 8, replace "two" with "four"

Page 4, line 9, replace "indictment" with "charges"

Page 5, after line 13, insert:

"f. No property, titles to any property, or mortgages may be received or held directly or indirectly by the licensee as a condition of a deferred presentment service transaction or as a method of collection on a defaulted deferred presentment service transaction without proper civil process."

Page 5, line 17, replace "preferred" with "deferred" and after "service" insert ", and no property, titles to any property, or mortgages may be received or held directly or indirectly by the licensee as a condition of a deferred presentment service transaction or as a method of collection on a defaulted deferred presentment service transaction without proper civil process"

Page 6, line 21, after "who" insert "has authority to make the check and"

Page 7, after line 26, insert:

"16. A licensee or any agent of a licensee who willfully violates this section is guilty of a class A misdemeanor."

Page 8, line 24, replace "Any" with "Except as otherwise provided in this chapter, any"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1286: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1286 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1318: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1318 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "section 16.1-03-17,"

Page 1, line 2, remove "and"

Page 1, line 5, replace "section" with "sections" and after "16.1-12-08" insert "and 46-05-05"

Page 1, line 6, replace "use of stickers" with "rates for political announcements"

Page 1, remove lines 8 through 23

Page 2, remove lines 1 through 6

Page 5, line 2, overstrike "at the bottom of" and insert immediately thereafter "on" and overstrike "or names of the sponsor or sponsors of"

Page 5, line 3, overstrike "the advertisement, and the name"

Page 5, line 13, overstrike "sponsor" and remove the underscored comma

Page 5, line 14, remove the underscored comma

Page 5, line 15, remove "along with the person's title" and after the first period insert "An advertisement paid for by an individual candidate or group of candidates must disclose that the advertisement was paid for by the individual candidate or group of candidates. The first and last name or names of the candidates paying for the advertisement are not required to be disclosed."

Page 8, line 16, replace "Section" with "Sections", after "16.1-12-08" insert "and 46-05-05", and replace "is" with "are"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1324: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1324 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1327: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1327 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the second "and" and after "58-08-01" insert ", and 58-09-02"

Page 2, after line 13, insert:

"SECTION 4. AMENDMENT. Section 58-09-02 of the North Dakota Century Code is amended and reenacted as follows:

58-09-02. Compensation of assessor. The township assessor ~~shall receive as is entitled to~~ compensation for services ~~a~~ in the sum determined by the board of township supervisors for the time actually and necessarily employed in making and completing the assessment of the township and ~~twenty cents per mile [1.61 kilometers]~~ mileage at a rate not exceeding the allowable mileage rate accepted by the United States internal revenue service for each mile [1.61 kilometers] necessarily traveled in the performance of the duties of office. The compensation must be paid out of the township treasury upon an itemized statement setting forth the actual time spent in the work of assessor, approved by the board of township supervisors."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1338: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1338 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 restrict the sale and use of genetically modified wheat seed; and to provide an expiration date."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Genetically modified wheat seed committee. The genetically modified wheat seed committee consists of the agriculture commissioner, the president of the North Dakota farm bureau, the president of the North Dakota farmers union, the chairman of the wheat commission, the president of the North Dakota crop improvement association, the director of the North Dakota state university extension service, the director of the North Dakota agricultural experiment station, the president of the North Dakota grain growers association, and the president of the North Dakota grain dealers association, or their designees.

SECTION 2. Genetically modified wheat seed - Restriction.

1. As used in this section, "genetically modified wheat seed" means wheat seed derived from the direct insertion of a gene construct, typically from a sexually incompatible species, using recombinant DNA techniques and genetic transportation technology.
2. A person may not sell, distribute, or plant any genetically modified wheat seed until the genetically modified wheat seed committee makes a determination that Canada has registered that genetically modified wheat seed and approved it for production in Canada and for sale in the Canadian grain marketing system.
3. This section does not apply to any research-related efforts conducted under the auspices of public or private entities.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2003, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1355: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1355 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "tribal"

Page 1, line 8, replace "The" with "Upon the written request of any individual to, and upon receiving the approval of, the capitol grounds planning commission, the"

Page 1, line 9, replace "must" with "or a flag representing the origin of any ethnic group in the state may" and after the underscored period insert "The state shall assume the cost of displaying any flag at the state capitol."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1386: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1386 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 6 of section 48-01.1-01 and sections"

Page 1, line 2, replace "48-01.1-06 and" with "section" and replace "public improvement" with "construction managers."

Page 1, remove line 3

Page 1, remove lines 5 through 24

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1391: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1391 was placed on the Sixth order on the calendar.

Page 1, line 12, remove the underscored comma

Page 1, line 13, remove "approve, and disallow"

Page 1, line 23, remove the overstrike over ~~"Administrator means the manager of the state fire and tornado fund."~~

Page 1, line 24, remove the overstrike over ~~"3."~~

Page 2, line 1, replace "3" with "4"

Page 2, line 2, overstrike "4." and insert immediately thereafter "5." and overstrike "taken to" and insert immediately thereafter "required by the department to"

Page 2, line 8, overstrike "5." and insert immediately thereafter "6."

Page 2, line 10, overstrike "6." and insert immediately thereafter "7."

Page 2, line 11, overstrike "7." and insert immediately thereafter "8."

Page 2, line 12, overstrike "8." and insert immediately thereafter "9."

Page 2, line 14, overstrike "9." and insert immediately thereafter "10."

Page 2, line 16, overstrike "10." and insert immediately thereafter "11."

Page 2, line 20, overstrike "11." and insert immediately thereafter "12."

Page 2, line 24, overstrike "12." and insert immediately thereafter "13."

Page 2, line 29, overstrike "13." and insert immediately thereafter "14."

Page 3, remove line 31

Page 4, line 1, replace "14" with "15"

Page 4, line 2, after "action" insert "or a person who suffers bodily injury caused by a petroleum release"

Page 4, line 6, remove "There is established a petroleum release compensation board to assist the"

Page 4, remove lines 7 and 8

Page 4, line 9, remove "effective date of this Act." and remove the overstrike over ~~"advisory"~~

Page 4, line 10, replace "one" with "three", remove the overstrike over ~~"are"~~, and remove ~~"is"~~

Page 4, line 21, remove the overstrike over ~~"sixty-two dollars and fifty cents per diem"~~ and remove "compensation as may be"

Page 4, line 22, remove "established by rule"

Page 4, line 27, remove the overstrike over ~~"administrator"~~, remove "commissioner", and remove "The"

Page 4, line 28, remove "commissioner may appoint an administrator to assist in the administration of the fund."

Page 4, line 29, remove the overstrike over ~~"administrator"~~, remove "commissioner", and remove the overstrike over ~~"keep the board"~~

Page 4, line 30, remove the overstrike over ~~"apprised of the fund's general operations"~~ and remove "assist and advise the commissioner"

Page 4, line 31, replace "quarter" with "half"

Page 5, line 1, replace "commissioner" with "administrator"

Page 5, line 2, replace "that" with "by the administrator which"

Page 5, line 5, replace "commissioner" with "administrator"

Page 5, line 6, replace "commissioner" with "administrator" and after the second underscored period insert "The claimant or the administrator may appeal the board's decision to the commissioner."

Page 5, line 11, remove the overstrike over "~~administrator~~" and remove "commissioner"

Page 5, line 16, replace "commissioner" with "administrator"

Page 9, line 7, remove the overstrike over "~~administrator~~" and remove "commissioner"

Page 9, line 13, remove the overstrike over "~~administrator~~" and remove "commissioner"

Page 9, line 24, replace "commissioner" with "fund"

Page 9, line 28, remove "its preleak value or to"

Page 9, line 29, replace ", whichever is less, and includes compensation from the fund for tort or" with "."

3. The fund shall reimburse the tank owner, operator, or dealer for bodily injuries to a third party caused by a petroleum release if the provisions of subdivisions a, b, c, and d of subsection 1 were met at the time the release was discovered in an amount determined by:

Page 9, remove line 30

Page 10, line 2, after "matter" insert "in a proceeding in which the fund has been made a party"
proceeding in which the fund has been made a party"

Page 10, line 7, replace "3" with "4" and remove "preleak"

Page 10, line 10, replace "4" with "5"

Page 10, line 13, replace "5" with "6"

Page 10, after line 16, insert:

- "7. The fund shall reimburse the department for all costs, attorneys' fees, and other legal expenses relating to administrative and adjudicative proceedings under this chapter and any subsequent legal proceeding. Any monies reimbursed must be deposited in the department's operating fund in the state treasury and must be spent subject to appropriation by the legislative assembly."

Page 14, line 15, remove the overstrike over "~~administrator~~" and remove "commissioner"

Page 14, line 22, remove the overstrike over "~~administrator~~" and remove "commissioner"

Page 14, line 29, after the underscored period insert "The administrator may investigate the purchase of insurance that reimburses an owner or operator for property damage claims by third parties other than claims for costs of corrective action."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1400: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1400 was placed on the Sixth order on the calendar.

Page 1, line 13, after "dollars" insert ", prepares an economic development strategic plan,"

Page 1, line 17, replace "The" with "Subject to the availability of funds, the"

Page 1, line 18, after the period insert "The department shall establish the amount of the interest rate for loans provided to a city under this section."

Page 2, line 1, after the period insert "The state shall distribute a loan to a rural growth incentive city once the city establishes the city has chosen a specified qualified business to receive funding."

Page 2, line 4, remove "technology hardware, software, and"

Page 2, line 5, after "in" insert "expanding primary sector businesses and"

Page 2, line 7, replace "Of" with "A portion of"

Page 2, line 8, remove ", \$4,000,000 or the unobligated balance"

Page 2, line 9, remove "on July 1, 2001,"

Page 2, line 10, remove ", must be dedicated for the purpose of providing financial assistance, research and"

Page 2, remove lines 11 and 12

Page 2, line 13, replace "kilometers] of any city with a population of more than eight thousand and" with "may be used"

Page 2, line 14, remove "These funds must be allocated for the"

Page 2, remove lines 15 and 16

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1410: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1410 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 provide for a study of extraterritorial zoning."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS STUDY - EXTRATERRITORIAL ZONING. The advisory commission on intergovernmental relations shall study during the 2001-02 interim the extraterritorial zoning authority of cities and the feasibility and desirability of revising the extraterritorial zoning provisions. The commission, in the same manner as legislative council interim committees, shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1417: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (12 YEAS, 03 NAYS, ABSENT AND NOT VOTING). HB 1417 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1421: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1421 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1423: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1423 was placed on the Sixth order on the calendar.

Page 1, line 2, after "code" insert "; and to provide for transition"

Page 2, line 1, overstrike "latest edition of the"

Page 2, line 3, after "of" insert "State", remove the overstrike over "~~building~~", after "~~officials~~" insert "code", and remove the overstrike over the period

Page 2, line 4, remove the overstrike over "~~2~~."

Page 2, line 5, remove the overstrike over "~~3~~."

Page 2, line 8, remove "2."

Page 3, after line 27, insert:

"SECTION 4. TRANSITION. The state building code in effect on January 1, 2001, must remain in effect until publication of rules under section 54-21.3-03 to implement the international building, residential, mechanical, and fuel gas codes as the state building code."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1430: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1430 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1431: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1431 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "study" with "consider studying"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1434: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1434 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1435: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1435 was placed on the Sixth order on the calendar.

Page 1, line 15, remove "or"

Page 1, line 18, replace the period with ";

- d. Preclude contracting standards that have a preferential effect for federally recognized Indian tribes and tribal entities;
- e. Prohibit an employment preference for enrolled members of federally recognized Indian tribes whose principal duties are on behalf of state activity, program, department, agency, instrumentality, or political subdivision that primarily benefits Indians or federally recognized Indian tribes;
- f. Prohibit an employment or contracting preference for enrolled members of federally recognized Indian tribes under any contract funded in whole or in part by the state where the principal activities of the contract are undertaken on an Indian reservation within the state;
- g. Prohibit any educational program, including any program offering scholarships or loans, which is intended to benefit primarily or

exclusively students who are economically disadvantaged and who are enrolled members of federally recognized Indian tribes; or

- h. Prohibit programs at state institutions of higher education intended to encourage diversity and provide opportunities for members of disadvantaged or diverse groups to prepare students to be knowledgeable, contributing members of an increasing global, multicultural society."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1445: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO NOT PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1445 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1447: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). HB 1447 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "penalty" with "contingent effective clause"

Page 1, replace lines 4 through 23 with:

"SECTION 1. Definitions. As used in this Act, unless the context otherwise requires:

1. "Consumer" has the same meaning provided in section 509 of the Federal Gramm-Leach-Bliley Financial Services Modernization Act [Pub. L. 106-102; 113 Stat. 1443; 15 U.S.C. 6809].
2. "Financial activities" includes lending, trust, and other banking activities; insurance activities; financial or economic advice or services; pooled investments; and securities underwriting and dealing.
3. "Financial institution" has the same meaning as provided in section 509 of the Federal Gramm-Leach-Bliley Financial Services Modernization Act [Pub. L. 106-102; 113 Stat. 1443; 15 U.S.C. 6809]. The term includes any institution engaging in financial activities.
4. "Nonaffiliated third party" has the same meaning provided in section 509 of the Federal Gramm-Leach-Bliley Financial Services Modernization Act [Pub. L. 106-102; 113 Stat. 1443; 15 U.S.C. 6809].
5. "Nonpublic personal information" has the same meaning provided in section 509 of the Federal Gramm-Leach-Bliley Financial Services Modernization Act [Pub. L. 106-102; 113 Stat. 1443; 15 U.S.C. 6809].

SECTION 2. Privacy of financial data - Exceptions. Except as expressly provided in this Act, every financial institution doing business in this state shall comply with the privacy provisions in title V of the Federal Gramm-Leach-Bliley Financial Services Modernization Act [Pub. L. 106-102, title V, sec. 501 et seq.; 113 Stat. 1436 et seq.; 15 U.S.C. 6801 et seq.].

1. In the case of a financial institution regulated under chapter 6-08.1, the provisions relating to disclosure of customer information under chapter 6-08.1 supersede this Act.
2. In the case of a financial institution not regulated under chapter 6-08.1, the financial institution may not disclose nonpublic personal information about a consumer to any nonaffiliated third party, including a disclosure described in section 502(b)(2) of the Federal Gramm-Leach-Bliley Financial Services Modernization Act [Pub. L. 106-102; 113 Stat. 1437; 15 U.S.C. 6802], unless the disclosure is made pursuant to a consent granted by the consumer as provided under this Act. However, a financial institution regulated under this subsection may disclose nonpublic personal information about a consumer without a consent granted by the consumer if the disclosure is made:

- a. Pursuant to one of the general exceptions in section 502(e) of the Federal Gramm-Leach-Bliley Financial Services Modernization Act [Pub. L. 106-102; 113 Stat. 1437; 15 U.S.C. 6802];
- b. For the purpose of reporting a suspected violation of law or rule to the appropriate state agency or law enforcement agency; or
- c. For the purpose of complying with state law or rule, including the sharing of information between the department of banking and financial institutions, insurance commissioner, and securities commissioner in the course of official duties.

SECTION 3. Privacy of financial data - Exceptions. Except as expressly provided in this Act, every financial institution doing business in this state shall comply with the privacy provisions in title V of the Federal Gramm-Leach-Bliley Financial Services Modernization Act [Pub. L. 106-102, title V, sec. 501 et seq.; 113 Stat. 1436 et seq.; 15 U.S.C. 6801 et seq.]. A financial institution may not disclose nonpublic personal information about a consumer to any nonaffiliated third party, including a disclosure described in section 502(b)(2) of the Federal Gramm-Leach-Bliley Financial Services Modernization Act [Pub. L. 106-102; 113 Stat. 1437; 15 U.S.C. 6802], unless the disclosure is made pursuant to a consent granted by the consumer as provided under this Act. However, a financial institution may disclose nonpublic personal information about a consumer without a consent granted by the consumer if the disclosure is made:

1. Pursuant to one of the general exceptions in section 502(e) of the Federal Gramm-Leach-Bliley Financial Services Modernization Act [Pub. L. 106-102; 113 Stat. 1437; 15 U.S.C. 6802];
2. For the purpose of reporting a suspected violation of law or rule to the appropriate state agency or law enforcement agency; or
3. For the purpose of complying with state law or rule, including the sharing of information between the department of banking and financial institutions, insurance commissioner, and securities commissioner in the course of official duties."

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 9

Page 3, line 13, remove "for purposes of section 2 of this Act"

Page 3, line 17, replace "five" with "two"

Page 3, line 19, remove "consumer's social security number,"

Page 3, line 23, remove "affiliates and"

Page 3, line 24, remove "- **Penalty - Civil penalty**"

Page 3, line 25, replace "Any financial" with:

"SECTION 7. CONTINGENT EFFECTIVE CLAUSE. If Senate Bill No. 2191 fails to become effective, section 2 of this Act becomes effective on the effective date of this Act and section 3 of this Act does not become effective. If Senate Bill No. 2191 is passed by the fifty-seventh legislative assembly and becomes effective, section 3 of this Act becomes effective on the effective date of this Act and section 2 of this Act does not become effective."

Page 3, remove lines 26 and 27

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1455: Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS,

3 ABSENT AND NOT VOTING). HB 1455 was placed on the Sixth order on the calendar.

Page 1, line 2, after "28-32-17" insert ", 28-32-19, subsection 1 of section 28-34-01," and after "and" insert "section"

Page 1, line 3, after "agencies" insert "and appeals from decisions of local governing bodies"

Page 4, after line 6, insert:

"SECTION 3. AMENDMENT. Section 28-32-19 of the North Dakota Century Code is amended and reenacted as follows:

28-32-19. Scope of and procedure on appeal from determination of administrative agency. A notice of appeal may include a request for de novo review by the district court. If there is no request for de novo review, a judge of the district court must review an appeal from the determination of an administrative agency based only on the record filed with the court. After a hearing, the filing of briefs, or other disposition of the matter as the judge may reasonably require, the court must affirm the order of the agency unless it shall find that any of the following are present:

1. The order is not in accordance with the law.
2. The order is in violation of the constitutional rights of the appellant.
3. Provisions of this chapter have not been complied with in the proceedings before the agency.
4. The rules or procedure of the agency have not afforded the appellant a fair hearing.
5. The findings of fact made by the agency are not supported by a preponderance of the evidence.
6. The conclusions of law and order of the agency are not supported by its findings of fact.

If the order of the agency is not affirmed by the court, it shall be modified or reversed, and the case shall be remanded to the agency for disposition in accordance with the order of the court.

SECTION 4. AMENDMENT. Subsection 1 of section 28-34-01 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. The notice of appeal must be filed with the clerk of the court within thirty days after the decision of the local governing body. The notice of appeal may include a request for de novo review by the court. A copy of the notice of appeal must be served on the local governing body in the manner provided by rule 4 of the North Dakota Rules of Civil Procedure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1456: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1456 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and expenditure"

Page 1, line 7, remove "and expenditure"

Page 1, line 8, remove "or makes an expenditure"

Page 1, remove lines 10 through 14

Page 1, line 15, replace "3" with "2"

Page 1, line 17, remove ", the amount of each contribution in excess of two hundred"

Page 1, line 18, remove "dollars,"

Page 1, line 19, replace "4" with "3"

Page 1, line 20, replace "fourteenth" with "twelfth"

Page 1, line 22, replace "eighteenth" with "twentieth"

Page 2, line 2, remove "or made a reportable expenditure"

Page 2, line 3, replace "5" with "4"

Page 2, line 4, remove "or made any expenditure of more than two hundred dollars"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1459: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1459 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; to amend and reenact subsection 1 of section 39-06-32 of"

Page 1, remove line 3

Page 1, line 4, remove "suspend driving privileges"

Page 1, replace lines 8 through 21 with:

"Nonpayment for motor fuels - Penalty.

1. For a theft offense in violation of chapter 12.1-23 which involves a person who leaves the premises of an establishment at which motor fuel is offered for retail sale after motor fuel was dispensed into the fuel tank of a motor vehicle that that person drove away without having made due payment or authorized charge for the motor fuel dispensed, the court may:
 - a. Upon a person's second conviction, order the suspension of the person's driving privileges for six months; and
 - b. Upon a person's third or subsequent conviction, order the suspension of the person's driving privileges for one year.
2. As used in this section, "conviction" means a final conviction without regard to whether sentence was suspended or deferred or probation was granted after the conviction. Forfeiture of bail, bond, or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, is equivalent to conviction."

Page 1, remove lines 22 and 23

Page 2, remove lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1461: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1461 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1468: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1468 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to nonresident hunting fees; to"

Page 1, line 3, remove the third "and"

Page 1, line 4, after "date" insert "; and to declare an emergency"

Page 2, line 1, after the period insert "A combination nonresident waterfowl and nonresident small game hunting license allows hunting of waterfowl for either the fourteen-day period, seven-day period, or two 7-day periods as provided in this section as well as upland game as provided in subsection 1 of section 20.1-03-07."

Page 2, after line 15, insert:

"SECTION 5. A new subsection to section 20.1-03-12 of the 1999 Supplement to the North Dakota Century Code is created and enacted as follows:

For a combination nonresident waterfowl and nonresident small game hunting license, one hundred thirty dollars."

Page 2, after line 17, insert:

"SECTION 7. EMERGENCY. Sections 1, 2, 3, and 5 of this Act are declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1469: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1469 was placed on the Sixth order on the calendar.

Page 1, remove line 9

Page 1, line 10, remove "operation or unless", remove "gross payroll for", and replace "exceeds" with "are based outside this state or require more than thirty actual working days of operation during the calendar year"

Page 1, line 11, remove "twenty thousand dollars"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1474: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1474 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 amend and reenact section 54-03-27 of the North Dakota Century Code, relating to a leave of absence from employment for service in the legislative assembly."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-03-27 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-03-27. Service in the legislative assembly - Leave of absence from public employment. The executive officer in charge of a state agency, department, or institution or the governing body of any political subdivision or any other employer in this state may grant a leave of absence from employment to a full-time employee of that governmental entity or of that employer who is a member of the legislative assembly for service during any regular or special session of the legislative assembly and for attendance at a meeting of the legislative council or any of its committees. The leave of absence may be without pay, and the employer may reduce or eliminate the payment of any

additional benefits normally due the employee while the employee is performing legislative service. ~~A state agency, department, or institution or a political subdivision~~ If the leave of absence is granted, the employer may not terminate the employment of an employee solely due to the fact that the employee is absent from employment as the result of service in the legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1476: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). HB 1476 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "shall" with "may"

Page 1, line 11, replace "must" with "may"

Page 1, line 15, replace "must include" with "shall consider including"

Page 1, line 17, replace "involve" with "consider involving"

Page 1, line 18, replace "must be at least eight hours in length and must stress" with "may include"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3007: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3007 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3016: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3016 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3019: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HCR 3019 was placed on the Sixth order on the calendar.

Page 1, line 1, after "resolution" replace the remainder of the resolution with "urging that if the Congress of the United States authorizes the return of federal lands around Lake Sakakawea and Lake Oahe to the Three Affiliated Tribes and the Standing Rock Sioux Tribe, that the interests of all persons, including the affected Indian tribes, in lands and resources on those lands that are adjacent to Lake Sakakawea and Lake Oahe be protected, that individuals who have invested resources in developing the recreational facilities around Lake Sakakawea and Lake Oahe be guaranteed free access to those facilities, and that other excess federal lands acquired for the Pick-Sloan Project be returned to their original owners, their heirs, or the state of North Dakota.

WHEREAS, the Pick-Sloan Project, as authorized by the Flood Control Act of 1944, as amended, provides major flood control benefits, recreational benefits, water supply benefits, hydropower benefits, and navigational benefits for the downstream states of Iowa, Nebraska, Missouri, and Kansas through construction of large reservoirs in states and on Indian reservations lying upstream from these states in South Dakota, North Dakota, and Montana; and

WHEREAS, the state of North Dakota and the Indian tribes along the Missouri River sacrificed a total of 550,000 acres of land for the Pick-Sloan Project, including prime bottomlands and farmland along the Missouri River; lost homes and farmhouses; more than 2,000 jobs; personal income of more than \$45 million per year; business income of more than \$100 million per year; entire communities including the capitals of the Indian reservations; infrastructure, including hospitals, churches, cemeteries, schools, transportation networks, and water and sewer systems; local industry, including a saw mill, grain elevators, and feedlots; and in the case of the Indian tribes, a majority of their ancestral homelands; and

WHEREAS, in an attempt to mitigate a portion of the losses occurring because of the Pick-Sloan Project in South Dakota, pursuant to the Water Resources Development Acts of 1999 and 2000, the Congress of the United States directed the Secretary of the Army to transfer to the Department of Game, Fish and Parks of the state of South Dakota land located above the top of the exclusive flood pool of the Oahe, Big Bend, Fort Randall, and Gavins Point Projects of the Pick-Sloan Missouri River Basin program, acquired by the Secretary of the Interior for the implementation of the Pick-Sloan Missouri River Basin program, located outside the external boundaries of a reservation of an Indian tribe, and located within the state of South Dakota and further directed the Secretary of the Army to transfer to the Secretary of the Interior land located above the top of the exclusive flood pool of the Big Bend and Oahe Projects of the Pick-Sloan Missouri River Basin program acquired by the Secretary of the Army for the implementation of the Pick-Sloan Missouri River Basin program and located within the internal boundaries of the reservation of the Cheyenne River Sioux Tribe and the Lower Brule Sioux Tribe for the use of the Indian tribes in perpetuity; and

WHEREAS, the Water Resources Development Acts of 1999 and 2000 are controversial for a number of reasons, and, if applied to the state of North Dakota, do not completely meet the needs of the state or the affected Indian tribes; and

WHEREAS, in considering similar legislation that may apply to the state of North Dakota and the Indian tribes along the Missouri River in this state, the Congress of the United States should ensure that the interests of all persons and entities, including the affected Indian tribes, in lands and resources on those lands that are adjacent to Lake Sakakawea and Lake Oahe be protected, including, the protection of the interests of the state of North Dakota and Indian tribes, and the wildlife, recreational, and cultural and historic resources of those lands;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fifty-seventh Legislative Assembly urges that if the Congress of the United States authorizes the return of federal lands around Lake Sakakawea and Lake Oahe to the Three Affiliated Tribes and the Standing Rock Sioux Tribe, that the interests of all persons, including the affected Indian tribes, in lands and resources on those lands that are adjacent to Lake Sakakawea and Lake Oahe be protected, that individuals who have invested resources in developing the recreational facilities around Lake Sakakawea and Lake Oahe be guaranteed free access to those facilities, and that other excess federal lands acquired for the Pick-Sloan Project be returned to their original owners, their heirs, or the state of North Dakota; and

BE IT FURTHER RESOLVED, that the Fifty-seventh Legislative Assembly urges the Congress of the United States, in drafting legislation affecting Lake Sakakawea and Lake Oahe and the lands adjacent to these lakes, to work with and encourage cooperation among, all the parties interested in the legislation, including the affected Indian tribes; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Secretary of the Interior, the Secretary of the Army, to the chairman of the Standing Rock Sioux Tribe, the chairman of the Three Affiliated Tribes, and to each member of the North Dakota Congressional Delegation."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3025: Transportation Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HCR 3025 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3026: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3026 was placed on the Sixth order on the calendar.

Page 1, remove lines 13 and 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3029: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3029 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3032: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3032 was placed on the Sixth order on the calendar.

Page 1, line 3, after "94" insert "; the route from Cross Ranch State Park to State Highway 200A; and the route from U.S. Highway 2 near York to State Highway 17"

Page 1, line 11, after the semicolon insert "and

WHEREAS, there is an important route from Cross Ranch State Park north and west to State Highway 200A; and

WHEREAS, several miles of this route are not in the state highway system and travel on this route is not suitable for recreational vehicles; and

WHEREAS, the Lewis and Clark Bicentennial, the Lewis and Clark Interpretive Center, Cross Ranch State Park, the Knife River Indian Village, and tourism in this state would benefit if this route becomes a part of the state highway system; and

WHEREAS, there is an important route from U.S. Highway 2 near York north to State Highway 17; and

WHEREAS, of this route, several miles are not in the state highway system and the lack of a paved surface on this route is a burden on this state;"

Page 1, line 16, after "94" insert "; the route from Cross Ranch State Park to State Highway 200A; and the route from U.S. Highway 2 near York to State Highway 17"

Page 1, line 19, replace "County" with ", Benson, Pierce, and Oliver Counties"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3033: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3033 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3041: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3041 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3046: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3046 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3048: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3048 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2089: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2089 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Devlin, Price, Severson, Weisz and Sens. Fischer, Lee introduced:

HCR 3054: A concurrent resolution directing the Legislative Council to study the impact on domestic relations law of using the term "parental responsibility" in lieu of "custody" and "parenting time" in lieu of "visitation".

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

MOTION

REP. MONSON MOVED that the absent members be excused, which motion prevailed.

MOTION

REP. MONSON MOVED that the House be on the Fifth, Ninth, and Twelfth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Monday, February 19, 2001, which motion prevailed.

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

MARK L. JOHNSON, Chief Clerk