

JOURNAL OF THE HOUSE

Fifty-seventh Legislative Assembly

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Bismarck, February 15, 2001

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

The prayer was offered by Pastor Dennis Altrogge, Seventh Day Adventist Church, Harvey.

The roll was called and all members were present except Representative Price.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 512, delete lines 7 through 10

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

SIXTH ORDER OF BUSINESS

REP. BELTER MOVED that the amendments on the Sixth order of business to HB 1048 HB 1051, HB 1087, HB 1319, HB 1345, HB 1381, HB 1390, HB 1422, HB 1426, HB 1446, HB 1453, and HB 1460 be adopted, which motion prevailed.

HB 1048 HB 1051, HB 1087, HB 1319, HB 1345, HB 1381, HB 1390, HB 1422, HB 1426, HB 1446, HB 1453, and HB 1460, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REQUEST

REP. SEVERSON REQUESTED the unanimous consent of the House to withdraw HB 1402. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR

HCR 3047: A concurrent resolution directing the Legislative Council to study the property tax assessment and valuation of agricultural property.

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

HCR 3047 passed on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR

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

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

HCR 3030 passed on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR

HCR 3034: A concurrent resolution urging Congress to eliminate the Social Security disability insurance offset and supplemental security insurance offset for recipients of workers' compensation benefits.

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

HCR 3034 passed on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

SCR 4002: A concurrent resolution authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.

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

SCR 4002 passed on a voice vote.

MOTION

REP. BELTER MOVED that HB 1252 and HB 1300 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1044: A BILL for an Act to amend and reenact sections 12-47-36 and 12-59-04 of the North Dakota Century Code, relating to open records and parole records of the department of corrections and rehabilitation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed HB 1044 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1066: A BILL for an Act to amend and reenact subsection 1 of section 47-30.1-22 and subsection 2 of section 47-30.1-35 of the North Dakota Century Code, relating to abandoned property under the Uniform Unclaimed Property Act.

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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Reengrossed HB 1066 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1188: A BILL for an Act to amend and reenact section 15-34.2-03, 15-40.1-16, and subsection 2 of section 15-40.2-01 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-27-26, subsection 2 of section 15.1-29-03, and section 15.1-30-02 of the North Dakota Century Code, relating to school district transportation.

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 0 YEAS, 98 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed HB 1188 lost.

SECOND READING OF HOUSE BILL

HB 1203: A BILL for an Act to provide for remedies for nonconformities in farm equipment; and to repeal section 51-07-07 of the North Dakota Century Code, relating to voiding or rescinding contracts for the purchase of farm machinery.

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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed HB 1203 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1225: A BILL for an Act to amend and reenact section 15-38-18.2 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-13-14 of the North Dakota Century Code, relating to background checks for teacher licensure applicants.

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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed HB 1225 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1277: A BILL for an Act to create and enact a new section to chapter 26.1-36.4 of the North Dakota Century Code, relating to acceptable methods of employer payment of employee health insurance premiums.

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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed HB 1277 passed and the title was agreed to.

MOTION

REP. BELTER MOVED that HB 1322 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1363: A BILL for an Act to create and enact a new subsection to section 12.1-17-01 of the North Dakota Century Code, relating to a mandatory assessment process for simple assault in domestic violence cases; to amend and reenact subsection 2 of section 12.1-17-01 and subsection 1 of section 12.1-32-01 of the North Dakota Century Code, relating to the penalty for assault in a domestic violence case and supervision of probation; 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; 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.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Delzer; Kempenich

Engrossed HB 1363 passed and the title was agreed to.

MOTION

REP. DEKREY MOVED that HB 1252, which is on the Eleventh order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. DeKrey's motion, HB 1252 was rereferred.

SECOND READING OF HOUSE BILL

HB 1379: A BILL for an Act to create and enact a new subsection to section 44-08-20 of the North Dakota Century Code, relating to the authority of peace officers to use certain instruments or devices.

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 92 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehm; 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; Gulleason; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemmin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Aarsvold; Boucher; Kasper; Lemieux; Weisz

ABSENT AND NOT VOTING: Maragos

Engrossed HB 1379 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1388: A BILL for an Act to provide for standards of practice for guardians.

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 45 YEAS, 53 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Delmore; Devlin; Disrud; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleason; Gunter; Hanson; Hawken; Huether; Hunsakor; Jensen; Kelsh, S.; Kerzman; Klein, F.; Kliniske; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Metcalf; Mueller; Nelson; Niemeier; Nottestad; Onstad; Porter; Price; Sandvig; Schmidt; Severson; Solberg; Thorpe; Warner; Weisz; Wentz; Winrich

NAYS: Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Haas; Herbel; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, M.; Klemmin; Koppang; Koppelman; Lloyd; Martinson; Meier; Monson; Nicholas; Pietsch; Pollert; Renner; Rennerfeldt; Ruby; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Wikenheiser; Wrangham; Speaker Bernstein

Engrossed HB 1388 lost.

SECOND READING OF HOUSE BILL

HB 1401: A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to inmate accounts, payment of inmate financial obligations, and payment for medical and health care costs.

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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Gulletson; 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; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed HB 1401 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1462: A BILL for an Act to amend and reenact section 43-17-41 of the North Dakota Century Code, relating to the duty to report injuries.

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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Gulletson; 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; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed HB 1462 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3024: A concurrent resolution urging Congress to raise the level of federal funding for the education of children with disabilities.

ROLL CALL

The question being on the final passage of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Gulletson; 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; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed HCR 3024 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1057: A BILL for an Act to amend and reenact section 26.1-26-31.1 of the North Dakota Century Code, relating to continuing education requirements for insurance agents.

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 16 YEAS, 81 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Brandenburg; Brusegaard; Carlson; DeKrey; Delzer; Kasper; Kretschmar; Maragos; Monson; Nelson; Tieman; Timm; Wald; Warner; Wrangham

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

ABSENT AND NOT VOTING: Fairfield

HB 1057 lost.

SECOND READING OF HOUSE BILL

HB 1065: A BILL for an Act to create and enact section 57-38-08.1 of the North Dakota Century Code, relating to the allocation and apportionment of partnership income for income tax purposes; to amend and reenact subsections 4, 5, and 6 of section 57-38-04 and section 57-38-08 of the North Dakota Century Code, relating to the allocation and apportionment of an individual's gross income and the distribution of partnership income for income tax purposes; to repeal section 57-38-10 of the North Dakota Century Code, relating to allocation and apportionment of partnership income for income tax purposes; 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 49 YEAS, 49 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Boehm; Brandenburg; Byerly; Carlisle; Carlson; Clark; Delzer; Devlin; Drovdal; Eckre; Ekstrom; Galvin; Grande; Grosz; Gunter; Hanson; Herbel; Jensen; Johnson, N.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Kliniske; Koppang; Kroeber; Lloyd; Mahoney; Meier; Metcalf; Mueller; Nicholas; Nottestad; Pietsch; Renner; Rennerfeldt; Schmidt; Severson; Skarphol; Svedjan; Tieman; Timm; Wald; Wikenheiser; Winrich; Wrangham

NAYS: Aarsvold; Bellew; Boucher; Brekke; Brusegaard; Cleary; DeKrey; Delmore; Disrud; Dosch; Fairfield; Froelich; Froseth; Glassheim; Grumbo; Gulleson; Haas; Hawken; Huether; Hunsakor; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kerzman; Klemin; Koppelman; Kretschmar; Lemieux; Maragos; Martinson; Monson; Nelson; Niemeier; Onstad; Pollert; Porter; Price; Ruby; Sandvig; Solberg; Thoreson, B.; Thoreson, L.; Thorpe; Warner; Weiler; Weisz; Wentz; Speaker Bernstein

HB 1065 lost.

SECOND READING OF HOUSE BILL

HB 1177: A BILL for an Act to amend and reenact sections 15.1-01-03, 15.1-10-01, 15.1-10-02, 15.1-10-03, 15.1-10-04, 15.1-11-04, 15.1-12-01, 15.1-12-03, 15.1-12-04, 15.1-12-05, 15.1-12-08, 15.1-12-09, 15.1-12-10, 15.1-12-11, 15.1-12-13, 15.1-12-14, 15.1-12-26, and 15.1-12-27 of the North Dakota Century Code, relating to regional committees to address school district annexations, reorganizations, and dissolutions; and to provide for transition.

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

YEAS: Bellew; Brusegaard; Delmore; Disrud; Glassheim; Haas; Hawken; Herbel; Lemieux; Lloyd; Nottestad; Ruby; Thoreson, L.

NAYS: Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; 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; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

HB 1177 lost.

SECOND READING OF HOUSE BILL

HB 1260: A BILL for an Act to amend and reenact section 65-04-19.3 of the North Dakota Century Code, relating to third-party recovery on workers' compensation deductible accounts; 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 97 YEAS, 1 NAY, 0 EXCUSED, 0 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; Gullerson; 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; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Thorpe

HB 1260 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1280: A BILL for an Act to create and enact a new subsection to section 54-01-26 of the North Dakota Century Code, relating to determining residency for voting purposes.

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 35 YEAS, 62 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brusegaard; Cleary; DeKrey; Delmore; Devlin; Drovdal; Ekstrom; Galvin; Grumbo; Gullerson; Huether; Hunskor; Jensen; Johnson, D.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Koppang; Kretschmar; Mahoney; Maragos; Metcalf; Mueller; Nelson; Niemeier; Schmidt; Severson; Skarphol; Solberg; Thorpe; Weisz; Wikenheiser

NAYS: Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Delzer; Disrud; Dosch; Eckre; Fairfield; Froelich; Froseth; Glassheim; Grande; Grosz; Gunter; Haas; Hanson; Hawken; Herbel; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kerzman; Klein, M.; Klemin; Kliniske; Koppelman; Kroeber; Lemieux; Lloyd; Martinson; Meier; Monson; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Wentz; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Nicholas

HB 1280 lost.

SECOND READING OF HOUSE BILL

HB 1292: A BILL for an Act to amend and reenact section 15.1-09-55 of the North Dakota Century Code, relating to the joint 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 34 YEAS, 61 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Belter; Boehm; Brandenburg; Byerly; Carlisle; Carlson; Cleary; Delzer; Dosch; Drovdal; Froelich; Froseth; Grande; Herbel; Kasper; Kempenich; Kingsbury; Klein, F.; Klein, M.; Koppelman; Kretschmar; Lloyd; Pietsch; Pollert; Renner; Rennerfeldt; Ruby; Skarphol; Thoreson, B.; Wald; Weiler; Wikenheiser; Wrangham; Speaker Bernstein

NAYS: Aarsvold; Bellew; Berg; Boucher; Brekke; Brusegaard; Clark; DeKrey; Delmore; Devlin; Disrud; Eckre; Ekstrom; Fairfield; Galvin; Glassheim; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klemin; Kliniske; Koppang; Kroeber; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Porter; Price; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weisz; Wentz; Winrich

ABSENT AND NOT VOTING: Lemieux; Maragos; Nicholas

HB 1292 lost.

SECOND READING OF HOUSE BILL

HB 1342: A BILL for an Act to amend and reenact sections 32-09.1-09, 32-09.1-14, 32-09.1-19, and 32-09.1-21 of the North Dakota Century Code, relating to garnishment disclosure forms.

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; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; 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; 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; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Brusegaard; Fairfield; Lloyd

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

HB 1342 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1368: A BILL for an Act to amend and reenact section 65-04-15 of the North Dakota Century Code, relating to confidentiality of information in an employer's workers' compensation reports.

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 30 YEAS, 66 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Delmore; Dosch; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleson; Hanson; Hunsakor; Kelsh, S.; Kerzman; Klein, F.; Kroeber; Mahoney; Meier; Metcalf; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich

NAYS: Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Disrud; Drovda; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lloyd; Maragos; Martinson; Monson; Nelson; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Lemieux; Nicholas

HB 1368 lost.

SECOND READING OF HOUSE BILL

HB 1372: A BILL for an Act relating to organization and representation of political subdivision employees, collective bargaining between political subdivision employers and their employees, and establishment of an employment relations board.

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

YEAS: Aarsvold; Boucher; Cleary; Delmore; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleson; Hanson; Huether; Hunsakor; Jensen; Kelsh, S.; Kerzman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Metcalf; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Wentz; Winrich

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

HB 1372 lost.

MOTION

REP. KEISER MOVED that the House reconsider its action whereby HB 1065 failed to pass, which motion prevailed on a verification vote.

MOTION

REP. BELTER MOVED that HB 1065 be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Belter's motion, HB 1065 was rereferred.

SECOND READING OF HOUSE BILL

HB 1382: 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 prescribed drugs and insulin; 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 NOT PASS, the roll was called and there were 30 YEAS, 68 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Delmore; Disrud; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleon; Hanson; Huether; Hunskor; Kelsh, S.; Kerzman; Kroeber; Lemieux; Mahoney; Metcalf; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich

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

HB 1382 lost.

SECOND READING OF HOUSE BILL

HB 1383: A BILL for an Act to provide minimum wage requirements for economic development projects.

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 29 YEAS, 69 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Delmore; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleon; Hanson; Huether; Hunskor; Jensen; Kelsh, S.; Kerzman; Kroeber; Lemieux; Mahoney; Metcalf; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich

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

HB 1383 lost.

SECOND READING OF HOUSE BILL

HB 1394: A BILL for an Act to provide a self-critical environmental analysis privilege.

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

YEAS: Kempenich; Klein, F.; Ruby; Skarphol; Wald

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; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

HB 1394 lost.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2191, SB 2430.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2086, SB 2095, SB 2166, SB 2180, SB 2234, SB 2344, SB 2363, SB 2404, SB 2419.

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 1022, HB 1236, HB 1374.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1008, HB 1009, HB 1042, HB 1153, HB 1162, HB 1202, HB 1285, HB 1310, HB 1336, HB 1352, HB 1356, HB 1370, HB 1396, HB 1404, HB 1409, HB 1467, HB 1472, HCR 3020, HCR 3021, HCR 3022, HCR 3043.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on February 15, 2001: HB 1092, HB 1180.

REPORT OF STANDING COMMITTEE

HB 1084: 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 1084 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "repeal" with "amend and reenact"

Page 1, line 2, remove "required balance of the" and after "fund" insert "and a report to the legislative council"

Page 1, line 4, replace "**REPEAL**" with "**AMENDMENT**"

Page 1, replace line 5 with "amended and reenacted as follows:

52-02-17. Trust fund balance - Report to legislative council. The ~~job insurance trust fund balance is to be maintained at a level of at least forty million dollars~~ bureau shall report to the legislative council before February fifteenth of each year the actual trust fund balance and the targeted modified average high cost multiplier, as of December thirty-first of the previous year. In addition, the report must include a projected trust fund balance for the next three years. ~~If the fund balance is ever projected to go below forty million dollars, job service North Dakota shall notify the members of the budget section, and at the next meeting of the budget section job service is to present a report on the condition of the fund, the circumstances leading to the decrease in the fund balance, and a proposal on how to increase the fund balance back to the minimum balance of forty million dollars."~~

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1085: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1085 was placed on the Sixth order on the calendar.

Page 1, replace lines 6 through 24 with:

"52-04-06.1. Incremental bond for impact projects ~~Construction project risk protection.~~

1. Any person, firm, corporation, or limited liability company and every general contractor which will employ or contract for the employment of or which is employing, directly or indirectly through agents, independent contractors or subcontractors on any project in North Dakota this state with an estimated construction cost of at least twenty five fifty million dollars including physical construction and site preparation but excluding design and engineering, a

~~majority of which is planned to be completed or discontinued within a period of seven years, and which will require the employment of at least two hundred fifty people is subject to this section. Each employing unit working on~~ The general or prime contractor, or the owner in those situations in which there is no general or prime contractor, of a project which that meets the criteria ~~post~~ the bond or irrevocable letter of credit required in subsection 2 ~~before commencement of construction work on the project and shall report annually, within thirty days of the anniversary date the project becomes subject to this section, to the bureau any change in contract bids within the state as may have been determined under subsection 2~~ the construction costs of projects subject to this section.

2. If the bureau determines that the project is or will be within the criteria stated by this section, the bureau shall ~~estimate the total job insurance contributions which the employing units will make under the North Dakota Unemployment Compensation Law based on the average estimated number of covered employees during the course of the project. The bureau shall also estimate the total benefits which will be required at the completion of the project, assuming that fifty percent of covered employees will claim benefits following completion or discontinuance of the project. If estimated benefits exceed estimated contributions, the bureau shall assess and collect from each employing unit an additional amount of one half percent times the successful bid amount on the project awarded to each employing unit but not to exceed one half percent times the total amount allowed under all bids accepted under the project. The amount is in addition to any other contribution required under the law and must be treated as incremental bond payments to ensure payment for all benefits ultimately claimed. The payments are not contributions until the ultimate determination of liability is made under subsection 3. The bureau shall amend the amount assessed under this subsection in accordance with any increases in contract bids reported by an employing unit under subsection 4.~~ Any employing unit failing to comply with this subsection may be enjoined by the bureau from engaging or continuing in business until all required payments are made ~~require the general or prime contractor, or the owner in those situations in which there is no general or prime contractor, for whom the project is being constructed, on behalf of each employing unit, to post a bond executed by a surety company authorized to do business in the state or an irrevocable letter of credit from a federal deposit insurance corporation insured state or nationally chartered bank authorized to do business in the state which will insure payment for all benefits claimed by employees of all employing units working on the project. The bureau may adjust the amount of bond or irrevocable letter of credit required under this subsection to cover any significant increases or decreases in project construction costs reported by the general or prime contractor or owner. If any general or prime contractor or owner fails to comply with this subsection, the bureau may apply to any court of this state within the jurisdiction in which the contractor or owner is found, located, or transacts business to obtain an order to compel the general or prime contractor or owner to post the required bond or irrevocable letter of credit required under this subsection. Any failure to obey an order of the court may be punished by the court as a contempt of court.~~
3. ~~The amounts collected from each employing unit under this section must be credited to individual interest bearing incremental bond trust accounts established by the bureau at the Bank of North Dakota. Eighteen~~ The amount of bond or irrevocable letter of credit must be the difference between the estimated benefits paid and estimated contributions. The estimation of contributions expected must be made as follows: multiply the current year's negative employer minimum rate or six percent, whichever is greater, times the current year's taxable wage base times the estimated number of employees on the project using figures from project plans, times the number of years between the start date and the estimated completion date of the project. The estimation of benefits paid must be made as follows: the ratio of benefits charged to contributions paid in the most recent three fiscal years by employers in the construction industry multiplied by the estimated contributions.
4. ~~Thirty~~ months after the completion or discontinuance of the project ~~or eighteen months after the employing unit completes its phase of the work,~~ the bureau shall determine the total benefits paid to employees of the

~~employing unit or units and if. If the total amount amount of contributions collected from the units under the North Dakota Unemployment Compensation Law exceeds total, the general or prime contractor or the owner shall pay the total amount of benefits paid to the employees of the units, the difference plus accrued interest must be refunded to the appropriate unit or units but not exceeding the amount paid under this subsection plus accrued interest. The amount not refunded must be credited to the unemployment compensation fund which exceeded the total amount of contributions collected from the unit or units. If the general or prime contractor or the owner does not pay the payment requirement, job service North Dakota shall collect the payment from the surety company that executed the surety bond or bank that issued the irrevocable letter of credit.~~

- ~~4. Upon completion of the contract requiring a bond in excess of one thousand two hundred fifty dollars, a contractor may receive a credit of ten percent of the total bond for every twenty percent of the total wages which were paid to individuals who at the time of hire were North Dakota residents. Upon completion of the contract requiring a bond of one thousand two hundred fifty dollars or less, a contractor may receive a credit of ten percent of the total bond for every ten percent of the total wages which were paid to individuals who at the time of hire were North Dakota residents. For the purposes of this subsection, a person may be considered a resident provided the person has earned in covered employment in North Dakota as defined in title 52, the sum of two thousand dollars during the past four completed calendar quarters preceding the date of employment or can provide evidence of having resided in the state during the past four completed calendar quarters preceding the date of employment.~~
- ~~5. Any employing unit, whether contractor, subcontractor, or otherwise, which in turn subcontracts a portion of its contract, may upon application to the bureau and proof of such subcontract receive an adjustment on its bond in direct proportion to the amount of such subcontract.~~
- ~~6. Failure of any employing unit, whether contractor, subcontractor, or otherwise, to inform the bureau of the issuance of a subcontract or if any subcontractor fails to pay the bond required under this section shall cause the contractor to be liable for payment of the subcontractor bond and any unpaid subcontractor contributions due on the projects.~~
- ~~7. 5. For the purposes of this section, a project includes all entities which that employ or contract for the employment of, or is employing directly or indirectly through agents, independent contractors, or subcontractors; regardless of the number of employees that any particular employing unit may have to perform services on a project, if the overall project involves the employment of at least two hundred fifty persons in the aggregate. In this situation, each Each employing unit, whether contractor, subcontractor, or otherwise, involved in the project is subject to this section.~~
- ~~8. 6. The bureau is authorized to adopt necessary rules for the effective administration and enforcement of this section Each employing unit having employees working on a project subject to this section shall maintain separate records for all employment on the project showing each individual's name, social security number, wages paid, and the dates the wages were paid. The employers shall submit separate reports from other employment subject to the North Dakota Unemployment Compensation Law under a separate reporting account established for the project.~~
- ~~9. 7. This section applies to projects begun after June 30, 1987. A project must be deemed to have commenced under this section at the time that work begins under the first contract that has been let for any phase or type of work on the project for which bids are let after August 1, 2001.~~
- ~~8. The determination of whether a project is subject to this section must be made in the same manner as provided for in section 52-04-17.~~
- ~~9. This section does not apply to any project in which the state is the owner or contractor."~~

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1212: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1212 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1229: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1229 was placed on the Sixth order on the calendar.

Page 1, line 7, after "and" insert ", upon the signing of the contract by both parties,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1321: Appropriations Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING). HB 1321 was placed on the Sixth order on the calendar.

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

Page 1, line 4, remove "appropriation"

Page 3, remove lines 22 through 26

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Department of Public Instruction

HOUSE - This amendment removes the general fund appropriation of \$450,000 for payments for limited English proficient students. The Schafer and the Hoeven executive budget recommendations for the Department of Public Instruction include \$450,000 in the foundation aid and transportation line item for these payments (contained in House Bill No. 1013, as introduced).

REPORT OF STANDING COMMITTEE

HB 1326: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1326 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "Three" with "Five" and after "licenses" insert ", one of whom must be employed as an administrator, three of whom must be public school classroom teachers and one of whom must be employed by a nonpublic school"

Page 1, line 16, replace "One individual who holds a degree in law, medicine, or engineering" with "Two individuals who serve as school board members"

Page 1, line 17, replace "a business owner or manager;" with "the parent of a student"

Page 1, line 18, remove "d. Two individuals who are the parents of students"

Page 1, line 20, remove "e. One member of the legislative assembly;"

Page 1, line 21, replace "f" with "d"

Page 3, line 6, replace "Three" with "Five"

Page 3, line 7, after "licenses" insert ", one of whom must be employed as an administrator and one of whom must be employed by a nonpublic school"

Page 3, line 8, overstrike "One individual who" and replace "holds a degree in" with "Two individuals who serve as school board members"

Page 3, line 9, remove "law, medicine, or engineering"

Page 3, line 10, overstrike "a", remove "business owner or manager", and overstrike the semicolon

Page 3, line 11, overstrike "d. Two individuals who are" and student"

Page 3, line 12, remove the overstrike over "and"

Page 3, line 13, overstrike "e." and remove "One member of the legislative assembly; and"

Page 3, line 14, replace "f" with "d"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1333: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1333 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1337: Finance and Taxation Committee (Rep. Carlson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1337 was placed on the Sixth order on the calendar.

Page 1, line 18, overstrike "or", after "deposit" insert "or payment", and after "money" insert ", salary, wages, or dues"

Page 2, line 3, remove "The term includes wages, salaries, or union"

Page 2, remove lines 4 and 5

Page 2, line 6, remove "operations or expenses of a political committee."

Page 3, line 20, replace ". The" with "and the"

Page 5, line 11, remove "dues,"

Page 5, line 12, remove "or" and after "salary" insert ", or other compensation"

Page 5, line 14, after "prescribed" insert "or authorized" and replace "upon" with "by an employee or member giving"

Page 5, line 15, remove "by the employee or member"

Page 5, line 17, remove "dues,", remove the second "or", and after "salary" insert ", or other compensation"

Page 5, line 26, replace "Upon request of the secretary of state, an association shall provide verification that" with "The labor commissioner, with the advice and consent of the secretary of state, shall include on the wage and working conditions order prepared and distributed by the labor commissioner a summary of the rights of employees under this section beginning with the next order issued by the commissioner after the effective date of this Act."

Page 5, remove lines 27 through 31

Page 6, remove lines 1 through 4

Page 6, line 5, after the underscored period insert "Upon receipt of a complaint from an employee or member alleging a violation of subsection 4, the secretary of state shall refer the complaint to the labor commissioner for investigation under chapter 34-14. If"

the commissioner determines a claim to have merit, the employee or member bringing the complaint is entitled to collect an amount equal to three times the amount deducted from the employee's or member's wages, salary, or other compensation from the person found to be in violation of this section.

7."

Page 6, line 17, replace "7" with "8"

Page 6, line 23, replace "8" with "9"

Page 6, line 29, replace "9" with "10"

Page 7, line 1, replace "10" with "11"

Page 7, line 7, replace "11" with "12"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1350: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1350 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "violent or dangerous" with "certain"

Page 1, line 6, remove "**violent or dangerous**" and replace "violent or dangerous offender" with "prisoner who has pled guilty to or has been convicted of a class A or class AA felony"

Page 1, line 8, after "except" insert "by employees of the department of corrections and rehabilitation or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1358: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1358 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "subsection 1 of"

Page 1, line 3, replace the first "section" with "sections", remove "sections", and after "27-20-25" insert a comma

Page 2, line 18, remove the overstrike over "or" and after "or" insert "subdivision a of subsection 1 of section"

Page 10, line 4, remove the overstrike over "or" and after "or" insert "subdivision a of subsection 1 of section"

Page 10, line 11, replace "Subsection 1 of section" with "Section"

Page 10, after line 12, insert:

"27-20-22. Summons."

Page 10, after line 28, insert:

2. The court may endorse upon the summons an order directing the parents, guardian, or other custodian of the child to appear personally at the hearing and directing the person having the physical custody or control of the child to bring the child to the hearing.
3. If it appears from affidavit filed or from sworn testimony before the court that the conduct, condition, or surroundings of the child are endangering his the child's health or welfare or those of others, or that ~~he~~ the child may abscond or be removed from the jurisdiction of the court or will not be

brought before the court, notwithstanding the service of the summons, the court may endorse upon the summons an order that a law enforcement officer shall serve the summons and take the child into immediate custody and bring ~~him forthwith~~ the child before the court.

4. The summons ~~shall~~ must state that a party is entitled to counsel in the proceedings and that the court will appoint counsel if the party is unable without undue financial hardship to employ counsel.
5. A party, other than the child, may waive service of summons by written stipulation or by voluntary appearance at the hearing. If the child is present at the hearing, ~~his~~ the child's counsel, with the consent of the parent, guardian, or other custodian, or guardian ad litem, may waive service of summons in ~~his~~ the child's behalf.
6. When a child is in detention or shelter care and good cause is shown why service was not completed upon an absent or noncustodial parent, the court may proceed with the hearing on the petition in order to comply with any time limitations under this chapter."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1377: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1377 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1398: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1398 was placed on the Sixth order on the calendar.

Page 1, line 13, after the first comma insert "except for the confidentiality requirements of federal drug and alcohol treatment and rehabilitation laws,"

Page 2, line 1, replace "A" with:

- "a. A person, agency, or institution governed by statutory confidentiality requirements and receiving information or records under this section shall maintain the confidentiality requirements.
- b. Except as provided in subdivision a of this subsection, a"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1403: Finance and Taxation Committee (Rep. Carlson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1403 was placed on the Sixth order on the calendar.

Page 4, line 19, replace "department of economic development and finance" with "tax commissioner"

Page 6, line 17, replace "department of economic development and finance" with "tax commissioner"

Page 6, line 26, replace "department of" with "tax commissioner"

Page 6, line 27, remove "economic development and finance"

Page 6, line 30, replace "department of economic development and finance" with "tax commissioner"

Page 8, line 8, replace "department of economic development and finance" with "tax commissioner"

Page 8, line 11, replace "department of economic" with "tax commissioner"

Page 8, line 12, remove "development and finance"

Page 8, line 15, replace "department of economic development and finance" with "tax commissioner"

Page 9, line 5, replace "department of economic development and finance" with "tax commissioner"

Page 9, line 19, replace "department of economic" with "tax commissioner"

Page 9, line 20, remove "development and finance"

Page 9, line 31, replace "department of economic development and" with "tax commissioner"

Page 10, line 1, remove "finance"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1407: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1407 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and" and after "study" insert "; and to provide an appropriation"

Page 2, after line 25, insert:

"SECTION 3. FUNDING AUTHORITY - APPROPRIATION. The insurance commissioner may accept, receive, and expend public and private moneys, not in excess of \$250,000, made available by grant or donation to accomplish the evaluations required under section 2 of this Act and those moneys are appropriated to the insurance commissioner for these purposes for the biennium beginning July 1, 2001, and ending June 30, 2003. Any unexpended general fund appropriation authority to and any excess income received by the insurance commissioner under chapter 32 of the 1999 Session Laws, in an amount not to exceed \$250,000, are not subject to section 54-44.1-11 and are available and may be expended by the insurance commissioner to accomplish the evaluations required under section 2 of this Act during the biennium beginning July 1, 2001, and ending June 30, 2003."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1414: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1414 was placed on the Sixth order on the calendar.

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

Page 1, line 3, after "commission" insert "; and to provide an appropriation"

Page 1, line 19, remove "- Composition -"

Page 1, line 20, remove "Appointment"

Page 1, line 22, replace "may" with "shall"

Page 1, line 23, remove "If the director does not assign the duties of the commission"

Page 1, remove line 24

Page 2, remove lines 1 through 8

Page 2, line 19, remove "- Personnel"

Page 2, line 22, remove "secure office space, employ"

Page 2, remove line 23

Page 2, line 24, remove "appropriated to the commission, and"

Page 2, line 26, remove "- Administrative expenses"

Page 2, line 30, remove "The commission chairman, if"

Page 2, remove line 31

Page 3, replace lines 1 and 2 with:

"SECTION 7. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the department of economic development and finance for the purpose of funding the business products utilization commission, for the biennium beginning July 1, 2001, and ending June 30, 2003."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1419: Appropriations Committee (Rep. Timm, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, 7 ABSENT AND NOT VOTING). HB 1419 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1432: Finance and Taxation Committee (Rep. Carlson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1432 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and" and after "57-40.2" insert ", and a new section to chapter 57-40.3"

Page 1, line 3, remove "a" and replace the second "tax" with "and motor vehicle excise taxes"

Page 15, line 16, replace "7" with "17"

Page 15, after line 16, insert:

"SECTION 19. A new section to chapter 57-40.3 of the North Dakota Century Code is created and enacted as follows:

Separate and additional excise tax. In addition to the tax otherwise imposed under this chapter, every event otherwise taxable under this chapter is subject to an additional tax at the rate of two percent of the purchase price of any motor vehicle purchased or acquired either in or outside this state for use on the streets and highways of this state. The entire revenue from the tax imposed under this section must be transmitted monthly by the director of the department of transportation to the state treasurer and deposited in the school district levy replacement fund."

Page 15, line 19, replace "19" with "20"

Page 15, line 20, remove "and" and after "18" insert ", and 19"

Page 15, line 21, replace "December 31" with "June 30"

Page 15, line 22, replace "January 1, 2002" with "for taxable events occurring after June 30, 2001"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1433: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1433 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1444: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1444 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide an appropriation"

Page 1, line 7, replace "graduates" with "graduated", replace "July 1, 2001" with "May 1, 2000", and replace "a public" with "an"

Page 1, line 14, replace "for the provision of" with "to teach at the" and replace "classroom teaching services" with "level in a course area or field that is identified by the superintendent of public instruction as being in need of teachers"

Page 2, remove lines 1 through 5

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1451: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1451 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and to provide for elimination of obsolete provisions and provisions that do not comply"

Page 1, line 3, remove "with law"

Page 1, line 7, remove "1."

Page 1, remove lines 12 through 20

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1473: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1473 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1477: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1477 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 1 of section 45-10.1-08, subsection 2 of section 45-10.1-09," and after "45-10.1-14" insert ", subsection 1 of section 45-10.1-52, subsection 3 of section 45-22-03,"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 45-10.1-08 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. In order to form a limited partnership, a certificate of limited partnership must be signed and filed in the office of the secretary of state. The certificate must set forth:
 - a. The name of the limited partnership.
 - b. The general character of its business.
 - c. The address of the registered office of the limited partnership and the name of the limited partnership's registered agent at that address.
 - d. The name and address of the principal place of business of each general partner.
 - e. The name and address of each limited partner of the limited partnership which is a corporation or a limited liability company if the limited partnership:
 - (1) Is engaged in the business of farming or ranching in this state, as defined in section 10-06.1-01; or

- (2) Owns or leases land in this state which is used for farming or ranching.

f. Any other matters the general partners determine to include therein.

SECTION 2. AMENDMENT. Subsection 2 of section 45-10.1-09 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 2. An amendment to a certificate of limited partnership reflecting the occurrence of the event or events must be filed within thirty days after the happening of any of the following events:
 - a. The admission of a new general partner.
 - b. The admission of a new limited partner that is a corporation or limited liability company if the limited partnership:
 - (1) Is engaged in the business of farming or ranching in this state, as defined in section 10-06.1-01; or
 - (2) Owns or leases land in this state which is used for farming or ranching.
 - c. The withdrawal of a general partner.
 - ~~e.~~ d. The continuation of the business under section 45-10.1-47 after an event of withdrawal of a general partner.
 - ~~d.~~ e. A change of registered agent or change of address of registered agent."

Page 1, line 21, replace "If so engaged, a description of the extent to which the limited partnership is" with "The name and address of each limited partner of the limited partnership which is a corporation or a limited liability company if the limited partnership:

- (1) Is engaged in the business of farming or ranching in this state, as defined in section 10-06.1-01; or
- (2) Owns or leases land in this state which is used for farming or ranching.

SECTION 4. AMENDMENT. Subsection 1 of section 45-10.1-52 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 1. In order to register, a foreign limited partnership shall submit to the secretary of state, on forms prescribed and furnished by the secretary of state, an application for registration as a foreign limited partnership, signed and sworn to by a general partner and setting forth all of the following:
 - a. The name of the foreign limited partnership and, if different, the name under which the foreign limited partnership proposes to register and transact business in this state.
 - b. The state and date of the foreign limited partnership's formation.
 - c. The general character of the business the foreign limited partnership proposes to transact in this state.
 - d. The name and address of any agent for service of process on the foreign limited partnership whom the foreign limited partnership elects to appoint and which must be an individual resident of this state, a domestic corporation, a domestic limited liability company, a foreign corporation, or a foreign limited liability company having a place of business in, and authorized to do business in, this state.
 - e. A statement that the secretary of state is appointed the agent of the foreign limited partnership for service of process if the agent's authority is revoked or if the agent cannot be found or served with the exercise of reasonable diligence.

- f. The address of the principal office of the foreign limited partnership.
- g. The name and address of the principal place of business of each general partner.
- h. The address of the office at which is kept a list of the names and addresses of the limited partners and the limited partners' capital contributions, together with an undertaking by the foreign limited partnership to keep those records until the foreign limited partnership's registration in this state is canceled or withdrawn.
- i. The name and address of each limited partner of the limited partnership which is a corporation or a limited liability company if the limited partnership:
 - (1) Is engaged in the business of farming or ranching in this state, as defined in section 10-06.1-01; or
 - (2) Owns or leases land in this state which is used for farming or ranching.

SECTION 5. AMENDMENT. Subsection 3 of section 45-22-03 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 3. A registration must contain:
 - a. With respect to a domestic limited liability partnership:
 - (1) The name of the domestic limited liability partnership.
 - (2) The nature of the business to be transacted in this state.
 - (3) The address of the principal executive office of the domestic limited liability partnership.
 - (4) The address of the registered office of the domestic limited liability partnership and the name of the registered agent at that address.
 - (5) The name and address of each managing partner.
 - (6) A statement that the partnership elects to be a limited liability partnership.
 - (7) A deferred effective date, if any.
 - (8) The name and address of each limited partner of the limited partnership which is a corporation or a limited liability company if the limited partnership:
 - (a) Is engaged in the business of farming or ranching in this state, as defined in section 10-06.1-01; or
 - (b) Owns or leases land in this state which is used for farming or ranching.
 - b. With respect to a foreign limited liability partnership:
 - (1) The name of the foreign limited liability partnership and, if different, the name under which the foreign limited liability partnership proposes to transact business in this state.
 - (2) The jurisdiction of origin.
 - (3) The date on which the foreign limited liability partnership expires in the jurisdiction of origin.
 - (4) The nature of the business to be transacted in this state.

- (5) The address of the principal executive office of the foreign limited liability partnership.
- (6) The address of the registered office of the foreign limited liability partnership and the name of the foreign limited liability partnership's registered agent at that address.
- (7) The name and address of each managing partner.
- (8) An acknowledgment that the status of the foreign limited liability partnership in this state will automatically expire unless the foreign limited liability partnership continuously maintains limited liability partnership status in the jurisdiction of origin.
- (9) The name and address of each limited partner of the limited partnership which is a corporation or a limited liability company if the limited partnership:
 - (a) Is engaged in the business of farming or ranching in this state, as defined in section 10-06.1-01; or
 - (b) Owns or leases land in this state which is used for farming or ranching.
- c. The registration must be accompanied by payment of the fees provided in section 45-22-22 together with a certificate of good standing or certificate of existence authenticated by the registering officer of the state or country where the foreign limited liability partnership is originally registered and the consent of the designated registered agent for service of process to serve in that capacity."

Page 1, remove lines 22 and 23

Page 2, line 15, replace "If so engaged, a description of the extent to which the limited liability" with "The name and address of each limited partner of the limited partnership which is a corporation or a limited liability company if the limited partnership:

- (1) Is engaged in the business of farming or ranching in this state, as defined in section 10-06.1-01; or
- (2) Owns or leases land in this state which is used for farming or ranching."

Page 2, remove lines 16 and 17

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

HCR 3003: Your conference committee (Sens. Dever, Wardner, T. Mathern and Reps. M. Klein, Meier, Hunsakor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 310 and place HCR 3003 on the Seventh order.

HCR 3003 was placed on the Seventh order of business on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3027: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3027 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3028: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3028 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3037: 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 3037 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3038: Natural Resources Committee (Rep. Rennerfeldt, Chairman) recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HCR 3038 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3039: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3039 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2046, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2046 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "under" with "in violation of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2087: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2087 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2230, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2230 was placed on the Sixth order on the calendar.

Page 2, line 1, remove "executive committee of the"

Page 2, line 2, replace "executive" with "district"

Page 2, line 5, replace "executive" with "district"

Page 2, line 7, replace "four" with "eight" and replace "sixty" with "twenty-eight"

Renumber accordingly

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Klemin, Keiser introduced:

HCR 3051: A concurrent resolution directing the Legislative Council to study the impact a constitutional guarantee of the right to individual privacy would have on state laws. Was read the first time and referred to the **Judiciary Committee**.

Reps. Hawken, Hanson, R. Kelsch and Sens. Cook, Solberg introduced:

HCR 3052: A concurrent resolution directing the Legislative Council to study issues of safety, efficiency, and cost-effectiveness with respect to school district transportation. Was read the first time and referred to the **Transportation Committee**.

Reps. Wald, Belter, Boucher, Svedjan and Sens. Kilzer, G. Nelson introduced:

HCR 3053: A concurrent resolution directing the Legislative Council to study the effects of having one dominant health care insurer in this state and the impact on the continued availability, viability, and financial stability of rural health care. Was read the first time and referred to the **Human Services Committee**.

FIRST READING OF SENATE BILLS

SB 2022: A BILL for an Act to provide an appropriation for defraying the expenses of the information technology department. Was read the first time and referred to the **Appropriations Committee**.

SB 2033: A BILL for an Act to create and enact a new section to chapter 40-63 of the North Dakota Century Code, relating to renaissance zone tax benefit requirements; to amend and reenact sections 40-63-01, 40-63-02, 40-63-03, 40-63-04, 40-63-05, 40-63-06, 40-63-07, 40-63-09, and 40-63-10 of the North Dakota Century Code, relating to renaissance zones; and to repeal section 40-63-08 of the North Dakota Century Code, relating to renaissance zone contribution use.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

SB 2043: A BILL for an Act to amend and reenact section 54-35-15.2, subsection 4 of section 54-59-05, and sections 54-59-06, 54-59-07, 54-59-11, and 54-59-16 of the North Dakota Century Code, relating to powers, duties, and responsibilities of the information technology committee and the information technology department.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

SB 2182: A BILL for an Act to amend and reenact section 61-04-22 of the North Dakota Century Code, relating to prescriptive water rights.

Was read the first time and referred to the **Natural Resources Committee**.

SB 2207: A BILL for an Act to create and enact section 47-30.1-21.1 of the North Dakota Century Code, relating to the crediting of dividends, interest, or increments to an owner of unclaimed property; and to amend and reenact subsection 3 of section 47-30.1-24 of the North Dakota Century Code, relating to the payment of unclaimed property claims.

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

SB 2289: A BILL for an Act to create and enact a new subsection to section 39-01-15 of the North Dakota Century Code, relating to parking spaces for mobility-impaired individuals; and to provide a penalty.

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

SB 2353: A BILL for an Act to amend and reenact subsection 11 of section 20.1-02-05 of the North Dakota Century Code, relating to hunting by handicapped persons on lands controlled by the board of university and school lands.

Was read the first time and referred to the **Natural Resources Committee**.

SB 2375: A BILL for an Act to create and enact a new section to title 48 of the North Dakota Century Code, relating to limitations on governing bodies requiring directed suretyship bonds.

Was read the first time and referred to the **Political Subdivisions Committee**.

SB 2386: A BILL for an Act to create and enact a new subsection to section 57-38-30.3 and chapter 57-38.6 of the North Dakota Century Code, relating to an ethanol production agricultural cooperative or limited liability company investment income tax credit; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2389: A BILL for an Act to create and enact a new section to chapter 4-10 of the North Dakota Century Code, relating to seed potato inspections; and to amend and reenact section 4-10-06.1 of the North Dakota Century Code, relating to transfers of certified seed potatoes.

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

SB 2406: A BILL for an Act to create and enact a new subsection to section 39-08-01 of the North Dakota Century Code, relating to inmate placement for driving while under the influence.

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

SB 2421: A BILL for an Act to amend and reenact section 2-05-01 of the North Dakota Century Code, relating to the aeronautics commission.

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

SB 2448: A BILL for an Act to provide for a legislative council study of compliance and jurisdictional issues arising under the tobacco, alcohol, and fuels tax laws.

Was read the first time and referred to the **Finance and Taxation Committee**.

MOTION

REP. MONSON MOVED that the House be on the Fifth, Ninth, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, February 16, 2001, which motion prevailed.

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

MARK L. JOHNSON, Chief Clerk