

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

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Bismarck, April 1, 2003

The House convened at 8:30 a.m., with Speaker Wentz presiding.

The prayer was offered by Rev. Clyde Leimberer, Baptist Home, Bismarck.

The roll was called and all members were present except Representatives Haas, Solberg, and Warnke.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 31, 2003, I have signed the following: HB 1168, HB 1237, HB 1238, HB 1277, HB 1322, HB 1331, and HB 1423.

**SIXTH ORDER OF BUSINESS**

**REP. BERG MOVED** that the amendments on the Sixth order of business to SB 2358 and SB 2410 be adopted, which motion prevailed.

SB 2358 and SB 2410, as amended, were placed on the Fourteenth order of business on the calendar.

**SIXTH ORDER OF BUSINESS**

**SB 2337, as engrossed and amended: REP. CARLSON (Appropriations Committee) MOVED** that the amendments on HJ page 1148 be adopted.

**REQUEST**

**REP. CARLSON REQUESTED** that the question of the adoption of the amendments to Engrossed SB 2337, as amended, be divided to have the sections voted on separately in the following manner, which request was granted.

**DIVISION A:** Page I, line 2

**DIVISION B:** The remainder of the amendments.

**REQUEST**

**REP. GULLESON REQUESTED** a recorded roll call vote on Division A of the proposed amendments to Engrossed SB 2337, as amended, which request was granted.

**ROLL CALL**

The question being the adoption of Division A of the proposed amendments to Engrossed SB 2337, as amended, the roll was called and there were 42 YEAS, 51 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Bernstein; Carlisle; Carlson; DeKrey; Delzer; Dosch; Froseth; Galvin; Grande; Grosz; Hawken; Headland; Herbel; Iverson; Kasper; Kempenich; Kingsbury; Klein, M.; Kreidt; Kretschmar; Maragos; Martinson; Meier; Metcalf; Monson; Norland; Pietsch; Pollert; Porter; Rennerfeldt; Ruby; Sitte; Skarphol; Thoreson; Timm; Uglem; Warnke; Weisz; Wieland; Wikenheiser

**NAYS:** Aarsvold; Amerman; Berg; Boe; Boehning; Boucher; Brusegaard; Clark; Delmore; Devlin; Drovdal; Eckre; Ekstrom; Froelich; Glassheim; Gulleson; Hanson; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein, F.; Klemm; Koppelman; Kroeber; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Potter; Price; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thorpe; Tieman; Wald; Warner; Weiler; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Haas

Division A of the proposed amendments to Engrossed SB 2337, as amended, failed.

The question being the adoption of Division B of the proposed amendments to Engrossed SB 2337, as amended, the motion passed on a verification vote.

Division B of the proposed amendments to Engrossed SB 2337, as amended, was adopted on a voice vote.

Therefore, the question being the adoption of the proposed amendments included all of Division B of the proposed amendments to SB 2337 were adopted on a verification vote.

SB 2337, as amended, was placed on the Fourteenth order for immediate second reading.

#### **SECOND READING OF SENATE BILL**

**SB 2337:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to an additional sales tax on lodging for promotion of the Lewis and Clark bicentennial celebration; to provide an appropriation; to provide an effective date; and to provide an expiration date.

#### **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 48 YEAS, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boucher; Clark; Devlin; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Guleson; Hawken; Herbel; Hunsakor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein, F.; Klein, M.; Kreidt; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Onstad; Porter; Potter; Price; Sandvig; Schmidt; Severson; Solberg; Thorpe; Tieman; Wald; Warner; Winrich; Wrangham; Zaiser

**NAYS:** Bellew; Belter; Boehning; Brusegaard; Carlisle; Carlson; DeKrey; Delmore; Delzer; Dosch; Eckre; Grande; Grosz; Hanson; Headland; Iverson; Kasper; Kelsh, S.; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier; Norland; Nottestad; Pietsch; Pollert; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Speaker Wentz

**ABSENT AND NOT VOTING:** Haas

Engrossed SB 2337, as amended, passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do not concur in the Senate amendments to HB 1088 as printed on HJ pages 1101-1104 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1088: Reps. Kretschmar, Maragos, Eckre.

#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. KEISER MOVED** that the House do not concur in the Senate amendments to HB 1092 as printed on HJ page 1078 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1092: Reps. Ruby, Nottestad, Thorpe.

#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. KEISER MOVED** that the House do not concur in the Senate amendments to HB 1116 as printed on HJ pages 1078-1079 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1116: Reps. Dosch, M. Klein, Boe.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NELSON MOVED** that the House do not concur in the Senate amendments to HB 1223 as printed on HJ pages 1108-1109 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1223: Reps. Porter, F. Klein, Hanson.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. KEISER MOVED** that the House do not concur in the Senate amendments to HB 1236 as printed on HJ pages 1105-1106 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1236: Reps. M. Klein, Froseth, Zaiser.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NELSON MOVED** that the House do not concur in the Senate amendments to HB 1340 as printed on HJ page 1107 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1340: Reps. Drovdal, Nottestad, S. Kelsh.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NELSON MOVED** that the House do not concur in the Senate amendments to HB 1391 as printed on HJ page 1107 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1391: Reps. DeKrey, D. Johnson, Solberg.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2148: Reps. Bernstein, Wrangham, Onstad.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2190: Reps. Grande, Boehning, Eckre.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2282: Reps. Warnke, Svedjan, Aarsvold.

**MOTION**

**REP. BERG MOVED** that HB 1504, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1504 was rereferred.

**MOTION**

**REP. MONSON MOVED** that the House stand in recess until 1:00 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Wentz presiding.

**SECOND READING OF SENATE BILL**

**SB 2033:** A BILL for an Act to create and enact two new subsections to section 54-52-01, a new section to chapter 54-52, and two new sections to chapter 54-52.6 of the North Dakota Century Code, relating to participation by peace officers and correctional officers in the defined benefit retirement plan and the defined contribution retirement plan; to amend and reenact the two new subsections to section 54-52-01 as created by section 1 of this Act, as approved by the fifty-eighth legislative assembly, subsection 3 of section 54-52-01, section 54-52-02.1, subsection 3 of section 54-52-05, the new section to chapter 54-52 as created by section 6 of this Act, as approved by the fifty-eighth legislative assembly, subsection 3 of section 54-52-17, subsection 3 of section 54-52-17, as amended by section 8 of this Act, as approved by the fifty-eighth

legislative assembly, section 54-52.6-01, section 54-52.6-01, as amended by section 10 of this Act, as approved by the fifty-eighth legislative assembly, subsection 1 of section 54-52.6-02, section 54-52.6-02, as amended by section 12 of this Act, as approved by the fifty-eighth legislative assembly, section 54-52.6-03, and the new section to chapter 54-52.6 as created by section 17 of this Act, as approved by the fifty-eighth legislative assembly of the North Dakota Century Code, relating to participation by peace officers and correctional officers in the defined benefit retirement plan and the defined contribution retirement plan; 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, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Bernstein; Boe; Boucher; Carlisle; Clark; DeKrey; Delmore; Dosch; Eckre; Ekstrom; Froelich; Galvin; Glassheim; Grande; Grosz; Gulleson; Hanson; Hawken; Headland; Herbel; Hunsakor; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglen; Warner; Weiler; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**NAYS:** Bellew; Belter; Boehning; Brusegaard; Carlson; Delzer; Devlin; Drovdal; Froseth; Iverson; Kasper; Keiser; Kempenich; Klein, F.; Niemeier; Pietsch; Pollert; Price; Ruby; Timm; Wald; Weisz; Wieland; Wrangham

**ABSENT AND NOT VOTING:** Haas; Warnke

Engrossed SB 2033, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2222:** A BILL for an Act to create and enact four new sections to chapter 4-14.1 of the North Dakota Century Code, relating to ethanol production subsidies; to amend and reenact sections 4-14.1-07, 39-04-39, and 57-43.1-03.1 of the North Dakota Century Code, relating to the distribution of motor vehicle registration fees and the taxation of motor vehicle fuel for agricultural purposes; to repeal section 4-14.1-07 of the North Dakota Century Code, relating to the duration and limitation of ethanol plant production incentives; to provide for a continuing appropriation; 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 78 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brusegaard; Clark; DeKrey; Delmore; Delzer; Devlin; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grosz; Gulleson; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglen; Warner; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Bellew; Bernstein; Carlisle; Carlson; Dosch; Grande; Keiser; Klein, M.; Meier; Price; Sitte; Timm; Wald; Weiler

**ABSENT AND NOT VOTING:** Haas; Warnke

Engrossed SB 2222, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2261:** A BILL for an Act to create and enact a new subsection to section 6-09.4-07, a new section to chapter 15-10, a new subsection to section 40-05-01, a new section to chapter 40-34, a new section to chapter 54-01, a new section to chapter 54-17, three

new subsections to section 57-02-08, a new subsection to section 61-24.5-09, and a new subsection to section 61-35-12 of the North Dakota Century Code, relating to long-term leases and leaseback transactions; to amend and reenact sections 40-11-04, 40-33-01, 40-33-02, 40-33-03, 40-33-04, and 40-34-02 of the North Dakota Century Code, relating to long-term leases and leaseback transactions; 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 84 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Bellew; Carlson; Delzer; Gulleeson; Hanson; Kroeber; Skarphol; Warner

**ABSENT AND NOT VOTING:** Haas; Warnke

Engrossed SB 2261, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2360:** A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to a loan program to assist students in truckdriver training programs; and to provide an expiration 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 82 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleeson; Hanson; Hawken; Headland; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Speaker Wentz

**NAYS:** Delzer; Froelich; Herbel; Kingsbury; Price; Skarphol; Thorpe; Warner; Weiler; Zaiser

**ABSENT AND NOT VOTING:** Haas; Warnke

Engrossed SB 2360, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2385:** A BILL for an Act to create and enact two new sections to chapter 4-38 of the North Dakota Century Code, relating to organic food standards; to amend and reenact section 4-38-02 of the North Dakota Century Code, relating to certifying agents; to repeal sections 4-38-01, 4-38-03, 4-38-04, 4-38-05, and 4-38-06 of the North Dakota Century Code, relating to organic food standards; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Haas; Warnke

SB 2385 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2405:** A BILL for an Act to amend and reenact sections 16.1-11-18 and 16.1-13-10 of the North Dakota Century Code, relating to filling vacancies occurring in nominations for party office and filling legislative vacancies.

**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 86 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Monson; Nelson; Nicholas; Niemeier; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Severson; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Maragos; Metcalf; Mueller; Onstad; Schmidt; Solberg

**ABSENT AND NOT VOTING:** Haas; Warnke

Engrossed SB 2405, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2032:** A BILL for an Act to provide an appropriation for the data envelopment analysis project.

**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 49 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boe; Boucher; DeKrey; Delmore; Eckre; Ekstrom; Froelich; Glassheim; Gulleson; Hanson; Hawken; Herbel; Hunsakor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Kretschmar; Kroeber; Maragos; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Porter; Potter; Sandvig; Schmidt; Solberg; Thorpe; Tieman; Warner; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**NAYS:** Bellew; Belter; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; Delzer; Devlin; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Headland; Iverson; Kasper;

Kempenich; Klein, F.; Klein, M.; Koppelman; Kreidt; Martinson; Norland; Pietsch; Pollert; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Wald; Weiler; Weisz; Wieland; Wrangham

**ABSENT AND NOT VOTING:** Haas; Warnke

SB 2032 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to HB 1271 as printed on HJ page 1030, which motion prevailed on a voice vote.

HB 1271, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1271:** A BILL for an Act to create and enact a new section to chapter 12-47 of the North Dakota Century Code, relating to the housing of female inmates.

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Haas; Thoreson; Warnke

Engrossed HB 1271, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. NELSON MOVED** that the House do concur in the Senate amendments to HB 1358 as printed on HJ page 1038, which motion prevailed on a voice vote.

HB 1358, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1358:** A BILL for an Act to amend and reenact subsection 27 of section 20.1-02-05, subsection 1 of section 20.1-03-07, and sections 20.1-03-07.1, 20.1-03-12, and 20.1-03-12.1 of the North Dakota Century Code, relating to nonresident hunting and fishing licenses and fees; to provide an appropriation; to provide a statement of legislative intent with respect to a short-term lease program; 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 85 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson;

Thorpe; Tieman; Timm; Uglen; Wald; Warner; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**NAYS:** Amerman; Delzer; Froelich; Gulleson; Kerzman; Skarphol; Wrangham

**ABSENT AND NOT VOTING:** Haas; Warnke

HB 1358, as amended, passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NICHOLAS MOVED** that the House do concur in the Senate amendments to HB 1066 as printed on HJ page 953, which motion prevailed on a voice vote.

HB 1066, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1066:** A BILL for an Act to provide for the continuation of an agricultural pesticide and pesticide container disposal program; and to provide an expiration 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 82 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Carlisle; Carlson; Clark; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglen; Wald; Warner; Weiler; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Bellew; Brusegaard; DeKrey; Delzer; Grosz; Ruby; Sitte; Skarphol; Weisz; Wieland

**ABSENT AND NOT VOTING:** Haas; Warnke

HB 1066 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do concur in the Senate amendments to HB 1087 as printed on HJ page 1030, which motion prevailed on a voice vote.

HB 1087, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1087:** A BILL for an Act to amend and reenact sections 54-53-02 and 54-53-03 of the North Dakota Century Code, relating to composition of the advisory transportation council and purpose of the upper great plains transportation institute.

#### **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, 13 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Pietsch; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglen; Wald; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz



**NAYS:** Amerman; Bellew; Brusegaard; Delzer; Froelich; Kerzman; Niemeier; Pollert; Price; Ruby; Skarphol; Timm; Warner

**ABSENT AND NOT VOTING:** Haas; Klein, F.; Warnke

Engrossed HB 1087, as amended, passed and the title was agreed to.

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#### MOTION

**REP. FROSETH MOVED** that the House reconsider its action whereby SB 2096 passed.

#### REQUEST

**REP. IVERSON REQUESTED** a recorded roll call vote on the motion to reconsider the action whereby SB 2096 passed, which request was granted.

#### ROLL CALL

The question being on the motion to reconsider the action whereby SB 2096 passed, the roll was called and there were 42 YEAS, 50 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Bernstein; Boe; Boehning; Brusegaard; Carlson; DeKrey; Delzer; Dosch; Froseth; Galvin; Grande; Grosz; Hanson; Headland; Herbel; Iverson; Johnson, D.; Kasper; Keiser; Kingsbury; Koppelman; Kreidt; Kretschmar; Martinson; Meier; Monson; Norland; Pietsch; Pollert; Rennerfeldt; Ruby; Sitte; Skarphol; Thoreson; Timm; Uglem; Wald; Weiler; Weisz; Wieland

**NAYS:** Aarsvold; Amerman; Berg; Boucher; Carlisle; Clark; Delmore; Devlin; Drovdal; Eckre; Ekstrom; Froelich; Glassheim; Gulleon; Hawken; Hunskor; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein, F.; Klein, M.; Klemm; Kroeber; Maragos; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Porter; Potter; Price; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thorpe; Tieman; Warner; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Haas; Warnke

So the motion to reconsider the action whereby SB 2096 passed, failed.

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

The motion of the House to reconsider its action whereby SB 2096 passed on March 31, 2003, failed.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2036, SB 2044, SB 2061, SB 2072, SB 2111, SB 2173, SB 2192, and SB 2193.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2210, SB 2215, SB 2217, SB 2223, SB 2240, and SB 2299.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2029, SB 2086, SB 2188, SB 2334, and SB 2345 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2029:** Sens. Erbele; J. Lee; Fairfield

**SB 2086:** Sens. Fischer; Brown; Fairfield

**SB 2188:** Sens. Brown; J. Lee; Polovitz

**SB 2334:** Sens. Brown; Holmberg; Lindaas

**SB 2345:** Sens. Brown; Erbele; Polovitz

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1309:** Sens. Mutch; Espgaard; Taylor

**HB 1439:** Sens. Trenbeath; Nething; Bercier

**HCR3037:** Sens. Brown; Erbele; Polovitz

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass: HB 1044, HB 1107, HB 1175, HB 1364, HB 1369, HB 1403, HCR 3033.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1430.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1430**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to establish a medical assistance drug use review program and drug prior authorization program within the department of human services; to provide for a legislative council study of medical assistance pharmacy benefit management; to provide an expiration date; and to declare an emergency.

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

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

1. "Board" means the drug use review board.
2. "Compendium" means the American hospital formulary service drug information, United States pharmacopeia-drug information, the DRUGDEX information system, American medical association drug evaluations, or nonproprietary peer-reviewed medical literature.
3. "Department" means the department of human services.
4. "Drug use review" means a program as described in 42 U.S.C. 1396r-8(g)(2).
5. "Drug use review criteria" means standards approved by the board for use in determining whether use of a drug is likely to be medically appropriate, to be medically necessary, and not result in adverse medical outcomes.
6. "Prior authorization" means a process requiring the prescriber or the dispenser to verify with the department or the department's contractor that proposed medical use of a particular drug for a medical assistance program recipient meets predetermined criteria for coverage by the medical assistance program.

**SECTION 2. Drug use review board.**

1. The board is established within the department for the implementation of a drug use review program.
2. The board consists of fifteen members. The pharmacy administrator of the department and the medical consultant to the department are ex officio nonvoting board members who shall provide administrative services to the board. The executive director of the department shall appoint the remaining thirteen board members. A majority of the appointed members must be physicians and pharmacists participating in the medical assistance program. Four or more of the appointed members must have experience with a drug use review process or have participated in programs in which prior authorization is used. The appointed members of the board must be:
  - a. Six physicians licensed in this state and actively engaged in the practice of medicine, one of whom is a psychiatrist, and four of whom are chosen from a list of nominees provided by the North Dakota medical association;
  - b. Six pharmacists licensed in this state and actively engaged in the practice of pharmacy, four of whom are chosen from a list of nominees provided by the North Dakota pharmaceutical association; and

- c. One pharmacist or physician representing the pharmaceutical industry who is chosen from a list of nominees provided by the pharmaceutical research manufacturers of America.
3. Appointed board members shall serve staggered three-year terms. Two physicians and two pharmacists must be initially appointed for two-year terms, and two physicians and two pharmacists must be initially appointed for one-year terms. An appointed member may be reappointed for a period not to exceed three 3-year terms. A vacancy on the board must be filled for the balance of the unexpired term from the appropriate board category as provided under subsection 2. The executive director of the department may replace an appointed member of the board who fails to attend three consecutive meetings of the board without advance excuse or who fails to perform the duties expected of a board member. The pharmaceutical industry representative is a nonvoting board member.
4. Voting board members shall select a chairman and a vice chairman on an annual basis from the board's voting membership.
5. The board shall meet in person at least once every three months and may meet at other times by teleconference or electronically at the discretion of the chairman. A board member is entitled to receive from the department per diem compensation and reimbursement of expenses as determined by the department, except that no compensation under this section may be paid to any board member who receives compensation or salary as a state employee or official.

**SECTION 3. Duties of the board.** The board shall:

1. Cooperate with the department to create and implement a prospective and retrospective drug use review program for outpatient prescription drugs under the medical assistance program. This drug use review program must be based on a compendium and drug use review criteria and must comply with 42 U.S.C. 1396r-8(g)(3).
2. Advise and make recommendations regarding any rule proposed for adoption by the department to implement the provisions of state and federal law related to drug use review.
3. Receive and consider information regarding the drug use review process which is provided by the department and by interested parties, including prescribers who treat significant numbers of patients under the department's medical assistance program.
4. Review and recommend to the department any drugs to be included on prior authorization status.
5. Review no less than once each year the status of the list of drugs that have been placed on prior authorization.
6. Review and approve the prior authorization program process used by the department, including the process to accommodate the provision of a drug benefit in an emergency situation.
7. Propose remedial strategies to improve the quality of care and to promote effective use of medical assistance program funds or recipient expenditures.

**SECTION 4. Prior authorization program.**

1. The department shall develop and implement a prior authorization program that meets the requirements of 42 U.S.C. 1396r-8(d) to determine coverage of drug products when a medical assistance recipient's health care provider prescribes a drug that is identified as requiring prior authorization. Authorization must be granted for provision of the drug if:
  - a. The drug not requiring prior authorization has not been effective, or with reasonable certainty is not expected to be effective, in treating the recipient's condition;

- b. The drug not requiring prior authorization causes or is reasonably expected to cause adverse or harmful reactions to the health of the recipient; or
  - c. The drug is prescribed for a medically accepted use supported by a compendium or by approved product labeling unless there is a therapeutically equivalent drug that is available without prior authorization.
2. For any drug placed on the prior authorization program, the department shall provide medical and clinical criteria, cost information, and utilization data to the drug use review board for review and consideration. The board may consider department data and information from other sources to make a decision about placement of the drug on prior authorization.
3. The department may use contractors to collect and analyze the documentation required under this section and to facilitate the prior authorization program.
4. The department shall consult with the board in the course of adopting rules to implement the prior authorization program. The rules must:
  - a. Establish policies and procedures necessary to implement the prior authorization program.
  - b. Develop a process that allows prescribers to furnish documentation required to obtain approval for a drug without interfering with patient care activities.
  - c. Allow the board to establish panels of physicians and pharmacists which provide expert guidance and recommendations to the board in considering specific drugs or therapeutic classes of drugs to be included in the prior authorization program.

#### **SECTION 5. Public notice - Applicability.**

1. The department shall provide thirty days' notice of all meetings of the board. The notice requirement is met if the department provides notice of the meeting on the department's web site and provides, by written or electronic means, individual notice to each person that has requested such notice. If the meeting agenda includes board consideration of a change to the prior authorization program, the department shall include in the notice a list of the affected drugs, and upon request the board shall provide background information. Any interested party may attend a meeting of the board and provide information or recommendations related to the inclusion of a drug in a prior authorization program.
2. The department shall post on the department's web site:
  - a. The most current and applicable list of drugs requiring prior authorization, together with any limits on coverage of these drugs.
  - b. In downloadable format, forms necessary to complete prior authorization requests.
  - c. Decisions regarding changes to the prior authorization program list. The department shall allow a period of no less than thirty days for public comment following posting on the web site.
  - d. Meeting notice.
3. The department may not discontinue the provision of prescription drug benefits being provided to medical assistance recipients before the effective date of this Act based solely on the subsequent placement of the drug on the prior authorization program.

**SECTION 6. Grievances.** The department shall adopt rules for a grievance procedure by which an interested person may appeal a department decision to place a drug on prior authorization.

**SECTION 7. Appeals.** A medical assistance recipient who is aggrieved by the placement of a drug on prior authorization may appeal as authorized under chapter 28-32.

**SECTION 8. Financial incentives prohibited.** The department may not offer or pay, directly or indirectly, any material inducement, bonus, or other financial incentive to a participating provider based on the denial or delay of medically necessary and appropriate prescription drug therapy or based on a reduction in the proportion of recipients who receive prescription drug therapy under the medical assistance program.

**SECTION 9. Maximum allowable costs and use of edits.** To promote efficiency and savings in the department's service to eligible medical assistance program recipients, the department shall create and implement the broadest possible list of drugs that can be paid at the maximum allowable costs. To further promote efficiency and savings, the department shall maximize use of edit programs that pertain to payment of medical assistance program pharmaceutical claims. Upon request of a member of the legislative assembly, the department shall provide to that member a summary of edit programs available to the medical assistance program and a description of the department's progress in implementing the edit programs.

**SECTION 10. Adoption of rules.** The department shall adopt rules to implement sections 1 through 9 of this Act.

**SECTION 11. MEDICAL ASSISTANCE PHARMACY BENEFIT MANAGEMENT - LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying, during the 2003-04 interim, the value of medical assistance program use of benefit purchasing pools, preferred drug lists, and other pharmacy benefit management concepts, including the fiscal impact of the appeals and grievance process on existing programs. If the study is conducted by the legislative council, the legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

**SECTION 12. EXPIRATION DATE.** Section 6 of this Act is effective through June 30, 2005, and after that date is ineffective.

**SECTION 13. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1325, HB 1399, HCR 3004, HCR 3011, HCR 3034, HCR 3059.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause failed: HB 1298.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1298**

Page 1, line 9, remove "majority of the wine produced by a domestic" and overstrike "winery"

Page 1, line 10, overstrike "must be"

Page 1, line 11, remove "produced" and overstrike "from grapes, grape juice, other fruit bases, or honey"

Page 1, line 12, overstrike "grown and produced in"

Page 1, line 13, overstrike "this state" and after "~~winery~~" insert "majority of the ingredients by volume, excluding water, of wine produced by a domestic winery, must be grown and produced in this state"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1068, HB 1086, HB 1425.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1068**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact three new sections to chapter 15-20.4 of the North Dakota Century Code, relating to the issuance, manufacture, and use of false academic degrees or certificates; and to provide a penalty.

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

**SECTION 1.** A new section to chapter 15-20.4 of the North Dakota Century Code is created and enacted as follows:

**Unlawful to issue, manufacture, or use false academic degrees - Penalty.**

1. It is unlawful for a person to knowingly issue or manufacture a false academic degree. A person that violates this subsection is guilty of a class C felony.
2. a. It is unlawful for an individual to knowingly use or claim to have a false academic degree:
  - (1) To obtain employment;
  - (2) To obtain a promotion of higher compensation in employment;
  - (3) To obtain admission to an institution of higher learning; or
  - (4) In connection with any business, trade, profession, or occupation.
- b. An individual who violates this subsection is guilty of a class A misdemeanor.
3. As used in this section, "false academic degree" means a document such as a degree or certification of completion of a degree, coursework, or degree credit, including a transcript, that provides evidence or demonstrates completion of a course of instruction or coursework that results in the attainment of a rank or level of associate or higher which is issued by a person that is not a duly authorized institution of higher learning.
4. As used in this section, "duly authorized institution of higher learning" means an institution that:
  - a. Has accreditation recognized by the United States secretary of education or has the foreign equivalent of such accreditation;
  - b. Has an authorization to operate under this chapter;
  - c. Operates in this state and is exempt from this chapter under section 15-20.4-02;
  - d. Does not operate in this state and is:
    - (1) Licensed by the appropriate state agency; and
    - (2) An active applicant for accreditation by an accrediting body recognized by the United States secretary of education; or
  - e. Has been found by the state board for career and technical education to meet standards of academic quality comparable to those of an institution located in the United States that has accreditation recognized by the United States secretary of education to offer degrees of the type and level claimed.

**SECTION 2.** A new section to chapter 15-20.4 of the North Dakota Century Code is created and enacted as follows:

**Unlawful to use degree or certificate when coursework not completed -  
Penalty.**

1. An individual may not knowingly use a degree, certificate, diploma, transcript, or other document purporting to indicate that the individual has completed an organized program of study or completed courses when the individual has not completed the organized program of study or the courses as indicated on the degree, certificate, diploma, transcript, or document:
  - a. To obtain employment;
  - b. To obtain a promotion or higher compensation in employment;
  - c. To obtain admission to an institution of higher learning; or
  - d. In connection with any business, trade, profession, or occupation.
2. An individual who violates this section is guilty of a class A misdemeanor.

**SECTION 3.** A new section to chapter 15-20.4 of the North Dakota Century Code is created and enacted as follows:

**Consumer protection - False academic degrees.** The state board for career and technical education, in collaboration with the North Dakota university system, shall provide via internet web sites, information to protect students, businesses, and others from persons that issue, manufacture, or use false academic degrees."

Renumber accordingly

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1086**

Page 1, line 15, after "improvement" insert "for six consecutive years"

Page 2, line 7, after the period insert "These transportation costs are not reimbursable through state transportation funds."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1425**

Page 1, line 1, remove "subsection 3 of"

Page 1, line 5, replace "Subsection 3 of section" with "Section"

Page 1, replace line 7 with:

**"25-16-07. Records of treatment or care center confidential.**

1. No agent of the department of human services or the superintendent of the developmental center at westwood park, Grafton or the licensee or their agents or employees may disclose the contents of the individual records of a treatment or care center for developmentally disabled persons, nor of the reports received therefrom, except:
  - ~~4-~~ a. In a judicial proceeding when ordered by the presiding judge;
  - ~~2-~~ b. To officers of the law or any other legally constituted boards or agencies serving the interests of the residents; or
  - ~~3-~~ c. To the parents, heirs, or legal guardians of the resident.
2. For the purposes of this section, an "heir" must be within four degrees of consanguinity. Under this section, an heir is authorized to act as the personal representative of a deceased resident regarding the deceased resident's health records."

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate respectfully requests the return of: HB 1298.

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

**MR. SPEAKER:** The Senate accedes to the House request for the return of: SB 2096.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2065 and SB 2418 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2065:** Sens. Cook; G. Lee; Christenson

**SB 2418:** Sens. Cook; G. Lee; Christenson

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2052, SB 2058, SB 2064, SB 2089, SB 2147, SB 2151, SB 2153, SB 2198, SB 2199, SB 2201, SB 2211, SB 2228, SB 2288, SB 2310, SB 2324, SB 2326, SCR 4005, SCR 4008, SCR 4009, SCR 4016, SCR 4023, SCR 4037.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1066, HB 1087, HB 1271, and HB 1358.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2261.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2032.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2033, SB 2222, SB 2337, SB 2360, SB 2385, SB 2405.

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

**MR. PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2148:** Reps. Bernstein; Wrangham; Onstad

**SB 2190:** Reps. Grande; Boehning; Eckre

**SB 2282:** Reps. Warnke; Svedjan; Aarsvold

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

**MR. PRESIDENT:** The House respectfully requests the return of: SB 2096.

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

**MR. PRESIDENT:** The House accedes to the Senate request for the return of: HB 1298.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1088, HB 1092, HB 1116, HB 1223, HB 1236, HB 1340, and HB 1391 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1088:** Reps. Kretschmar; Maragos; Eckre

**HB 1092:** Reps. Ruby; Nottestad; Thorpe

**HB 1116:** Reps. Dosch; M. Klein; Boe

**HB 1223:** Reps. Porter; F. Klein; Hanson

**HB 1236:** Reps. M. Klein; Froseth; Zaiser

**HB 1340:** Reps. Drovdal; Nottestad; S. Kelsh

**HB 1391:** Reps. DeKrey; D. Johnson; Solberg

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1024, HB 1060, HB 1161, HB 1213, HB 1243, HB 1246, HB 1251, HB 1260, HB 1296, HB 1301, HB 1330, HB 1350, HB 1352, HB 1353, HB 1360, HB 1371, HB 1404, HB 1420, HB 1424, HCR 3008, HCR 3023, HCR 3055, HCR 3056, HCR 3063, HCR 3076.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2052, SB 2058, SB 2064, SB 2089, SB 2147, SB 2151, SB 2153, SB 2198, SB 2199, SB 2201, SB 2211, SB 2228, SB 2288, SB 2310, SB 2324, SB 2326, SCR 4005, SCR 4008, SCR 4009, SCR 4016, SCR 4023, SCR 4037.



**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2196.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1037, as engrossed:** Your conference committee (Sens. J. Lee, Brown, Fairfield and Reps. Porter, Pietsch, Potter) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 291 and place HB 1037 on the Seventh order.

**REPORT OF STANDING COMMITTEE**

**HB 1504: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1504 was placed on the Sixth order on the calendar.

Page 1, line 9, after "state" insert ", with a focus on business opportunities that may be available to North Dakota Indian tribes through the United States small business administration 8(a) business development program"

Page 1, line 13, remove the second "shall"

Page 1, line 16, remove "As determined"

Page 1, remove lines 17 and 18

Page 1, line 19, remove "provided."

Page 1, line 23, replace "\$200,000" with "\$25,000"

Page 2, line 1, replace "contracting with a consultant to assist in" with "conducting"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3079: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3079 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2249, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2249 was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "to provide for a legislative council study of the protection of historical or archaeological artifacts or sites; to provide for application;"

Page 2, line 7, after "may" insert ", subject to the following provisions."

Page 2, line 17, after the underscored period insert "If the agency or governing body and the director do not agree on the action to be taken, the differences must be submitted to a mediator selected by the governor to facilitate a consensus between the parties. The cost of the mediator must be shared equally by the parties. The mediator shall issue a report within sixty days of appointment by the governor. The report of the mediator must be published once in the official newspaper of the state and political subdivision."

Page 2, line 19, replace "If the" with "The decision of the agency or governing body must be published once in the official newspaper of the state and political subdivision. After mediation, if any, if the governing body of a political subdivision determines to proceed with actions that will result in completely demolishing, removing, or significantly degrading the historical characteristics of a building or real property, a resident of the political subdivision where the building or real property is located may submit a written notice to the county auditor of intention to petition for a public vote. The notice must be filed with the county auditor within fourteen days of the publication of the decision of the governing body. A petition for a public vote must contain the names of at least ten percent of the qualified electors from that governing body's jurisdiction who voted in the last general election and must be filed with the county auditor within one hundred twenty days of the governing body's publication of notice of its final action. If a petition is filed, the matter must be submitted for a vote of the qualified electors at the next special, primary, or general election held in that jurisdiction. All actions to remove, demolish, or significantly degrade the historical characteristics of a building or real"

property are stayed for fourteen days after the governing body's publication of notice of its final action, and if notice of intention to seek a public vote is filed, actions are stayed until either the petition fails or the public vote is held"

Page 2, remove lines 20 through 25

Page 2, line 26, remove "jurisdiction"

Page 3, after line 8, insert:

**"SECTION 4. LEGISLATIVE COUNCIL STUDY OF THE PROTECTION OF HISTORICAL OR ARCHAEOLOGICAL ARTIFACTS OR SITES.** The legislative council shall consider studying, during the 2003-04 interim, issues relating to the protection of historical or archaeological artifacts or sites that are found or located upon land owned by the state or its political subdivisions or otherwise comes into the custody or possession of the state or its political subdivisions and the role of the director of the state historical society of North Dakota in the protection of historical or archaeological artifacts or sites. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

**SECTION 5. APPLICATION OF ACT.** This Act applies to any proceeding or determination not finalized before the effective date of this Act."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2030, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2030 was placed on the Sixth order on the calendar.

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

Page 1, line 7, remove "- Continuing"

Page 1, line 8, remove "appropriation"

Page 1, line 15, replace "are appropriated to" with "may be spent by" and replace "on a continuing basis" with "pursuant to legislative appropriations"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

**Dept. 601 - Department of Commerce - House Action**

This amendment removes the continuing appropriation and provides that funds collected from the department's career guidance and job opportunities web site may be spent pursuant to legislative appropriations.

#### REPORT OF STANDING COMMITTEE

**SB 2135, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2135 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to provide an appropriation for the national board certification of teachers."

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

**SECTION 1. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$40,000, or so much of the sum as may be necessary, to the education standards and practices board for the purpose of procuring federal matching grants to provide for the national

board certification of teachers, for the biennium beginning July 1, 2003, and ending June 30, 2005."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2182: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2182 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2322, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (17 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2322 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2363, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (19 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2363 was placed on the Fourteenth order on the calendar.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Seventh, Ninth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Wednesday, April 2, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**

