

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

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Bismarck, February 7, 2003

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

The prayer was offered by Rev. Harold Peterson, First Lutheran Church, Parshall.

The roll was called and all members were present except Representatives Galvin and Wentz.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**REP. BERG MOVED** that the amendments on the Sixth order of business to HB 1190, HB 1204, HB 1252, HB 1263, HB 1271, HB 1282, HB 1309, HB 1321, HB 1369, HB 1414, HB 1431, HB 1457 and HB 1495 be adopted, which motion prevailed.

HB 1271 and HB 1431, as amended, were rereferred to the **Appropriations Committee**.

HB 1190, HB 1204, HB 1252, HB 1263, HB 1282, HB 1309, HB 1321, HB 1369, HB 1414, HB 1457 and HB 1495, as amended, were placed on the Eleventh order of business on the calendar.

## MEASURES REFERRED TO APPROPRIATIONS COMMITTEE

Pursuant to Rule 329.4, HB 1231 and HB 1385 were automatically rereferred to Appropriations Committee.

## MOTION

**REP. BERG MOVED** that HB 1317 be laid over one legislative day, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1378:** A BILL for an Act to provide for a study of the generation of electricity from the state's wind resource to produce hydrogen for fuel.

## 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 87 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleason; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; 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; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**NAYS:** Bellew; Carlson; Clark; Keiser; Klemin; Ruby

**ABSENT AND NOT VOTING:** Wentz

Engrossed HB 1378 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1035:** A BILL for an Act to amend and reenact section 14-15-01, subdivision a of subsection 4 of section 14-15-03, subsection 3 of section 14-15-04, subsection 1 of section 14-15-05, sections 14-15-06 and 14-15-07, subsection 2 of section 14-15-08, sections 14-15-09, 14-15-10, 14-15-11, 14-15-12, 14-15-12.1, 14-15-13, and 14-15-14, subsection 2 of section 14-15-15, and sections 14-15-16, 14-15-17, 14-15-18, 14-15-19,

and 14-15-20 of the North Dakota Century Code, relating to the Revised Uniform Adoption 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 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; Haas; 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; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Nicholas; Wentz

Engrossed HB 1035 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1054:** A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to eligibility for and application of the homestead property tax credit; 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 NOT PASS, the roll was called and there were 18 YEAS, 73 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Drovdal; Froelich; Glassheim; Gulleson; Kerzman; Kretschmar; Kroeber; Niemeier; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich; Zaiser

**NAYS:** Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Eckre; Ekstrom; Froseth; Galvin; Grande; Grosz; Haas; 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; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Nicholas; Wentz; Williams

Engrossed HB 1054 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1172:** A BILL for an Act to amend and reenact subsection 1 of section 12.1-28-01 of the North Dakota Century Code, relating to the definition of gambling; 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 20 YEAS, 70 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Boehning; Delmore; Ekstrom; Froelich; Hawken; Herbel; Iverson; Johnson, N.; Klein, F.; Kroeber; Maragos; Martinson; Meier; Nelson; Nottestad; Potter; Warnke; Weiler; Winrich; Zaiser

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Bernstein; Boe; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin;

Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Headland; Hunskor; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Metcalf; Monson; Mueller; Niemeier; Norland; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Weisz; Wieland; Wikenheiser; Wrangham; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Berg; Nicholas; Wentz; Williams

Engrossed HB 1172 lost.

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### SECOND READING OF HOUSE BILL

**HB 1208:** A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to assaulting a sports official; 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 37 YEAS, 55 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boehning; Boucher; DeKrey; Delmore; Eckre; Ekstrom; Froelich; Galvin; Glassheim; Gulleson; Hanson; Hunskor; Johnson, D.; Kelsh, S.; Kerzman; Kingsbury; Klemm; Kretschmar; Kroeber; Maragos; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Price; Schmidt; Solberg; Thorpe; Warner; Winrich; Zaiser

**NAYS:** Bellew; Belter; Bernstein; Boe; Brusegaard; Carlisle; Carlson; Clark; Delzer; Devlin; Dosch; Drovda; Froseth; Grande; Grosz; Haas; Hawken; Headland; Herbel; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Klein, F.; Klein, M.; Koppelman; Kreidt; Martinson; Meier; Monson; Norland; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Wentz; Williams

Engrossed HB 1208 lost.

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### SECOND READING OF HOUSE BILL

**HB 1215:** A BILL for an Act to create and enact a new section to chapter 12.1-21 of the North Dakota Century Code, relating to tampering with, disabling, or falsely sounding a fire alarm and tampering with or disabling fire suppression equipment; to provide a penalty; 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 87 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Kelsch, R.; Pollert; Ruby; Weisz

**ABSENT AND NOT VOTING:** Boucher; Wentz; Williams

Engrossed HB 1215 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1295:** A BILL for an Act to amend and reenact section 15.1-02-13 of the North Dakota Century Code, relating to school district employee compensation reports.

**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; Haas; 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; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Wentz; Williams

Engrossed HB 1295 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1327:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to a corporate income tax exemption for net income from a corporate business location established in a small city; 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 NOT PASS, the roll was called and there were 20 YEAS, 72 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; DeKrey; Delzer; Devlin; Drovdal; Froseth; Galvin; Glassheim; Gulleson; Johnson, D.; Kempenich; Kretschmar; Maragos; Monson; Nicholas; Pollert; Severson; Sitte; Skarphol; Weisz

**NAYS:** Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; Delmore; Dosch; Eckre; Ekstrom; Froelich; Grande; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kroeber; Martinson; Meier; Metcalf; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Wentz; Williams

Engrossed HB 1327 lost.

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**MOTION**

**REP. BERG MOVED** that HB 1353, HB 1322, HB 1396 and HCR 3005 be laid over four legislative days, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1356:** A BILL for an Act relating to the use of funds on behalf of division I designation within the national collegiate athletic association.

**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 12 YEAS, 80 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Boucher; Dosch; Froelich; Gulleson; Kerzman; Onstad; Ruby; Schmidt; Skarphol; Solberg; Thorpe

**NAYS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Haas; 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; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Severson; Sitte; Svedjan; Thoreson; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Wentz; Williams

Engrossed HB 1356 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1209:** A BILL for an Act to create and enact a new chapter to title 11 of the North Dakota Century Code, relating to the establishment and operation of multicounty districts; 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 18 YEAS, 74 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bernstein; Carlisle; Carlson; Clark; Dosch; Ekstrom; Grande; Grosz; Haas; Hawken; Iverson; Kasper; Kelsch, R.; Klein, M.; Meier; Porter; Thoreson; Weiler

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brusegaard; DeKrey; Delmore; Delzer; Devlin; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Gulleson; Hanson; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; 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; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weisz; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Wentz; Williams

HB 1209 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1213:** A BILL for an Act to amend and reenact section 44-04-18.3 of the North Dakota Century Code, relating to the confidentiality of records containing the telephone number and home address of juvenile court officers.

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; 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; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Wrangham; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Boucher; Mueller; Norland; Wentz; Williams; Zaiser

HB 1213 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1235:** A BILL for an Act to amend and reenact sections 31-13-03, 31-13-05, and 31-13-07 of the North Dakota Century Code, relating to the law enforcement DNA data base.

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; 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; Thoreson; Thorpe; Tieman; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Wrangham; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Boucher; Warner; Wentz; Williams; Zaiser

HB 1235 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1270:** A BILL for an Act to amend and reenact section 6-06-14 of the North Dakota Century Code, relating to reports of credit committees of credit unions.

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; 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; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Boucher; Wentz; Williams

HB 1270 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1294:** A BILL for an Act to amend and reenact section 15.1-06-05 of the North Dakota Century Code, relating to the reconfiguration of instructional days for schools.

**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 71 YEAS, 19 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Carlisle; Delmore; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Glassheim; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Wieland; Wikenheiser; Winrich; Zaiser; Acting Speaker Timm

**NAYS:** Belter; Brusegaard; Carlson; DeKrey; Delzer; Galvin; Grande; Iverson; Kasper; Kelsch, R.; Nelson; Porter; Ruby; Sitte; Skarphol; Thoreson; Weiler; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Boucher; Clark; Wentz; Williams

HB 1294 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1300:** A BILL for an Act to amend and reenact section 57-36-27 of the North Dakota Century Code, relating to consumer's use tax on cigarettes possessed in this state on which tobacco products taxes have not been paid; to provide an effective date; and to provide a penalty.

**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 43 YEAS, 48 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Boehning; Carlisle; Carlson; Clark; DeKrey; Devlin; Dosch; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Hawken; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Porter; Price; Ruby; Sandvig; Severson; Sitte; Skarphol; Tieman; Uglem; Wald; Weiler; Wieland; Wrangham

**NAYS:** Belter; Berg; Bernstein; Boe; Brusegaard; Delmore; Delzer; Drovda; Eckre; Ekstrom; Froelich; Haas; Hanson; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsh, S.; Kerzman; Klein, F.; Klein, M.; Kretschmar; Kroeber; Mueller; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Potter; Rennerfeldt; Schmidt; Solberg; Svedjan; Thoreson; Thorpe; Warner; Warnke; Weisz; Wikenheiser; Winrich; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Boucher; Wentz; Williams

HB 1300 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1302:** A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to workers' compensation health care decisions; to amend and reenact sections 65-01-16, 65-02-08, 65-04-32, 65-05-04, 65-05-28, and 65-10-01 of the North Dakota Century Code, relating to workers' compensation appeals and employees' rights; and to provide for application.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 71 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; DeKrey; Ekstrom; Froelich; Glassheim; Gulleon; Hanson; Kelsh, S.; Kerzman; Kroeber; Maragos; Metcalf; Mueller; Sandvig; Solberg; Thorpe; Warner; Weisz; Winrich

**NAYS:** Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier; Monson; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Uglem; Wald; Warnke; Weiler; Wieland; Wikenheiser; Wrangham; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Boucher; Wentz; Williams

HB 1302 lost.

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### SECOND READING OF HOUSE BILL

**HB 1303:** A BILL for an Act to amend and reenact section 28-32-46 of the North Dakota Century Code, relating to finality of decisions of administrative law judges in adjudication proceedings of administrative agencies.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 88 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** DeKrey; Koppelman; Maragos

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kreidt; Kretschmar; Kroeber; 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; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Boucher; Wentz; Williams

HB 1303 lost.

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### MOTION

**REP. BERG MOVED** that HB 1304 be moved to the bottom of the calendar, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1306:** A BILL for an Act to amend and reenact section 23-27-04.3 of the North Dakota Century Code, relating to misrepresentation as to status as an emergency medical services personnel; and to provide a penalty.

### 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; 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; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser; Acting Speaker Timm



**ABSENT AND NOT VOTING:** Boucher; Delzer; Wentz; Williams

HB 1306 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1311:** A BILL for an Act to amend and reenact subsection 2 of section 20.1-08-04 of the North Dakota Century Code, relating to the governor's proclamation relating to the taking of big game.

### 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 8 YEAS, 82 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** DeKrey; Froelich; Gulleson; Kerzman; Kretschmar; Ruby; Sandvig; Weisz

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Haas; 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; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Boucher; Niemeier; Wentz; Williams

HB 1311 lost.

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### MOTION

**REP. BERG MOVED** that HB 1304 be moved to the top of the calendar, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1304:** A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to workers' compensation coverage through a private insurer or insurance fund.

### 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 4 YEAS, 87 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** DeKrey; Maragos; Ruby; Weisz

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; 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; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Boucher; Wentz; Williams

HB 1304 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1312:** A BILL for an Act to amend and reenact section 57-15-63 of the North Dakota Century Code, relating to the effect of a mistake in levy by a taxing district; 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 87 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsch, 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; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weisz; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**NAYS:** Bellew; Clark; Ruby; Weiler

**ABSENT AND NOT VOTING:** Boucher; Wentz; Williams

HB 1312 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1313:** A BILL for an Act to amend and reenact sections 57-43.2-03 and 57-43.2-19 of the North Dakota Century Code, relating to the rate of special fuels and importer for use taxes on fuel used for railroad purposes and allocation of revenue from those taxes; 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 3 YEAS, 86 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; DeKrey; Weisz

**NAYS:** Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsch, 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; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Boucher; Ekstrom; Gulleon; Wentz; Williams

HB 1313 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1314:** A BILL for an Act to amend and reenact subsection 7 of section 49-23-01 of the North Dakota Century Code, relating to excavation.

**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 33 YEAS, 58 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Boe; Boehning; Brusegaard; DeKrey; Delzer; Gulleon; Headland; Iverson; Kempenich; Klein, F.; Kroeber; Meier; Metcalf; Mueller;

Nelson; Nottestad; Pollert; Rennerfeldt; Ruby; Schmidt; Skarphol; Solberg; Uglem; Warner; Weiler; Weisz; Winrich; Wrangham; Zaiser

**NAYS:** Berg; Bernstein; Carlisle; Carlson; Clark; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Haas; Hanson; Hawken; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Monson; Nicholas; Niemeier; Norland; Onstad; Pietsch; Porter; Potter; Price; Sandvig; Severson; Sitte; Svedjan; Thoreson; Thorpe; Tieman; Wald; Warnke; Wieland; Wikenheiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Boucher; Wentz; Williams

HB 1314 lost.

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### SECOND READING OF HOUSE BILL

**HB 1315:** A BILL for an Act to create and enact a new subsection to section 57-35.3-05, 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 a credit against financial institutions taxes and corporate, individual, estate and trust income taxes for employment of recent graduates in targeted jobs; 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 0 YEAS, 91 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; 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; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Boucher; Wentz; Williams

HB 1315 lost.

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### SECOND READING OF HOUSE BILL

**HB 1318:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-04-18 and a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle registration exemption and motor vehicle excise tax exception for ambulances of emergency medical services operations; to amend and reenact section 57-43.1-08 of the North Dakota Century Code, relating to a motor vehicle fuel tax refund for fuel used by ambulances of emergency medical services operations; 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 5 YEAS, 86 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Ekstrom; Kroeber; Maragos; Severson; Uglem

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; 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; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter;

Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser; Acting Speaker Timm

**ABSENT AND NOT VOTING:** Boucher; Wentz; Williams

HB 1318 lost.

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**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 2070, SB 2147, SB 2216, SB 2232, SB 2238, SB 2268, SB 2269, SB 2281, SB 2286, SB 2287, SB 2289, SB 2302, SB 2309.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1049, HB 1111, HB 1206, HB 1246, HB 1338, HB 1348, HB 1391, HB 1394, HB 1400, HB 1444, HB 1471, HB 1480.

**REPORT OF STANDING COMMITTEE**

**HB 1050: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1050 was placed on the Sixth order on the calendar.

Page 1, line 5, after "penalty" insert "; to provide for application"

Page 2, line 7, after "7." insert "Consideration means something of value given or done in exchange for something of value given or done by another.

8. "Day leasing" means the practice of an outfitter entering a short-term lease agreement that is intended to and does last less than twenty-four hours.

9."

Page 2, line 8, overstrike "8." and insert immediately thereafter "10."

Page 2, line 9, overstrike "9." and insert immediately thereafter "11."

Page 2, line 10, overstrike "10." and insert immediately thereafter "12."

Page 2, line 20, overstrike "11." and insert immediately thereafter "13."

Page 2, line 24, overstrike "12." and insert immediately thereafter "14."

Page 2, line 27, overstrike "13." and insert immediately thereafter "15."

Page 2, line 30, overstrike "14." and insert immediately thereafter "16."

Page 3, line 5, after "by" insert "or contracts with" and after "to" insert "help the outfitter"

Page 3, line 8, overstrike "15." and insert immediately thereafter "17."

Page 3, line 9, overstrike "16." and insert immediately thereafter "18."

Page 3, line 10, overstrike "17." and insert immediately thereafter "19."

Page 3, line 12, overstrike "18." and insert immediately thereafter "20."

Page 3, line 20, overstrike "19." and insert immediately thereafter "21."

Page 3, line 27, overstrike "20." and insert immediately thereafter "22."

Page 4, line 1, overstrike "21." and insert immediately thereafter "23."

Page 4, line 3, overstrike "22." and insert immediately thereafter "24."

Page 4, line 4, overstrike "23." and insert immediately thereafter "25."

Page 4, line 6, after "hire" insert "or consideration" and replace "and" with "or"

Page 4, line 7, replace "compensation" with "consideration"

Page 4, line 10, replace "24." with "26."

Page 4, line 14, after the period insert "The term does not include a person holding title or equitable interest in business operations if the primary purpose of the business operation is to provide food or lodging to the general public, chamber of commerce activities, travel agencies, or others that offer free information to attract outdoor and recreational use of their communities."

Page 4, line 15, replace "25." with "27."

Page 4, line 24, replace "26." with "28."

Page 4, line 28, replace "27." with "29."

Page 5, line 1, replace "28." with "30."

Page 5, line 3, replace "29." with "31."

Page 5, line 11, replace "30" with "32."

Page 5, line 12, replace "31." with "33."

Page 5, line 16, replace "32." with "34."

Page 5, line 18, replace "33." with "35."

Page 5, line 19, replace "34." with "36."

Page 5, line 21, replace "35." with "37."

Page 5, line 24, replace "36." with "38."

Page 5, line 27, replace "37." with "39."

Page 5, line 29, replace "38." with "40."

Page 6, line 1, replace "39." with "41."

Page 6, line 4, replace "40." with "42."

Page 6, line 7, replace "41." with "43."

Page 6, line 9, replace "42." with "44."

Page 6, line 11, replace "43." with "45."

Page 6, line 12, replace "44." with "46."

Page 6, line 13, replace "45." with "47."

Page 6, line 15, replace "46." with "48."

Page 16, line 31, replace "two" with "one"

Page 17, line 4, replace "dollars if the" with "fifty dollars for the first five thousand acres [2023.43 hectares] and one hundred dollars for every additional five thousand acres [2023.43 hectares] on which the outfitter guides. Federal lands held by permit to outfitters are exempt from the fees assessed by this section. The acreage must be presented and legally defined in every application for outfitter licensure. For the purposes of this section, "legally defined" includes a copied county atlas map that identifies the subject land by distinguishing outline. The annual permit fee for day leasing is two hundred dollars."

Page 17, remove lines 5 through 7

Page 17, line 8, replace "there is not a" with "A" and replace "fee" with "is not required"

Page 17, line 9, after "owns" insert "or leases" and after "interests" insert "or for a nonprofit organization registered with the secretary of state"

Page 17, line 15, replace "A hunting" with "Hunting", replace "or outfitter license or" with "and", and replace "license is" with "licenses are"

Page 17, line 16, after "3." insert "A hunting outfitter license may be transferable upon approval of the director."

4."

Page 18, line 7, remove "and of good moral character and temperate"

Page 18, line 8, remove "habits"

Page 18, line 17, replace "five" with "two"

Page 18, line 20, after "years" insert "or whose license to hunt or fish is under suspension or revocation"

Page 18, line 27, replace "shall" with "may"

Page 19, remove lines 1 through 7

Page 19, line 8, replace "3." with "2."

Page 19, line 9, after the underscored period insert "All records, facilities, and equipment kept or used by the outfitter are open to inspection by the director or a game warden."

Page 19, line 10, replace "4." with "3."

Page 19, line 12, replace "5." with "4."

Page 19, line 17, replace "6." with "5.", replace "license" with "issue", after "more" insert "hunting outfitter licenses", and replace "two hundred hunting outfitters at one time" with "are issued in the fifth annual issuance of licenses under this Act."

Page 19, line 22, after "probation" insert "by the director"

Page 20, line 1, remove "habitual"

Page 20, line 6, replace "must" with "may"

Page 20, line 8, remove "while afield"

Page 20, line 14, replace "for the violation of" with "if"

Page 20, line 15, replace "or for which a guide is liable" with "intentionally violates a state or federal criminal law pertaining to hunting, fishing, or trapping"

Page 20, line 16, replace "and" with "but"

Page 20, line 17, replace "for the violation of" with "if" and after "client" insert "violates a state or federal criminal law pertaining to hunting, fishing, or trapping"

Page 20, line 18, replace "fails" with "the guide or client fail"

Page 20, line 27, after the underscored period insert "Each client guided is subject to separate and distinct offenses."

Page 20, line 30, after the underscored period insert "Any person guiding or outfitting while under suspension, revocation, or denial is guilty of a class A misdemeanor. Any individual who commits for remuneration or compensation an act of fraud involving hunting or fishing or any individual who illegally takes or causes death to fish or wildlife for remuneration or compensation may be prosecuted for theft, fraud, or conspiracy under title 12.1 and is, upon conviction, liable for the higher amount between the actual compensation received or the value of the fish or wildlife illegally taken or killed."

Page 21, after line 4, insert:

**"SECTION 13. APPLICATION.** The second through fifth issuances of hunting outfitter licenses under this Act may not exceed the number of licenses issued in the previous year."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1095: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1095 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "with" with "when federal or other funds are not available and upon"

Page 1, line 18, remove "who may issue approvals on an individual"

Page 1, line 19, remove "expenditure basis or by allocations from the general fund appropriation"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Dept. 313 - Veterans Home

HOUSE - This amendment adds provisions authorizing general fund moneys appropriated to the Veterans Home to be spent only when federal or other funds are not available and upon approval of the director of the Office of Management and Budget.

#### REPORT OF STANDING COMMITTEE

**HB 1112: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1112 was placed on the Sixth order on the calendar.

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

Page 1, line 2, replace the first comma with "and" and after the second comma insert "subsection 1 of section 39-12-05.3, and sections"

Page 1, line 3, remove "issuance of permits for"

Page 3, line 6, after "owned" insert "emergency or military"

Page 3, line 10, after "month" insert "for fees paid on a monthly basis or two hundred fifty dollars per year for fees paid on a yearly basis. Unused fees paid on a monthly basis are refundable. Unused fees paid on a yearly basis are not refundable"

Page 3, after line 17, insert:

**"SECTION 4. AMENDMENT.** Subsection 1 of section 39-12-05.3 of the North Dakota Century Code, effective after July 31, 2003, is amended and reenacted as follows:

1. With a single axle that carries a gross weight in excess of twenty thousand pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced forty inches [101.60 centimeters] apart or less are considered as one axle. On axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may not exceed ~~seventeen~~ nineteen thousand pounds [~~7744.07~~ 8618.26 kilograms] per axle, with a maximum of thirty-four thousand pounds [15422.14 kilograms] gross weight on a tandem axle and a maximum of forty-eight thousand pounds [21772.32 kilograms] gross weight on any grouping of three or more axles. The wheel load, in any instance, may not exceed one-half the allowable axle load. Spacing between axles is measured from axle center to axle center."

Page 4, line 30, replace "\$30" with "\$20"

Page 4, line 31, replace "\$60" with "\$40"

Page 5, line 1, replace "\$90" with "\$60"

Page 5, line 2, replace "\$200" with "\$140"

Page 5, line 3, replace "\$350" with "\$220"

Page 5, line 4, replace "\$420" with "\$305"

Page 5, line 5, replace "\$490" with "\$380"

Page 5, line 6, replace "\$640" with "\$495"

Page 5, line 7, replace "\$720" with "\$575"

Page 5, line 8, replace "\$800" with "\$655"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1113: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1113 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "declare an emergency" with "provide an effective date"

Page 1, line 11, replace "**EMERGENCY**. This Act is declared to be an emergency measure" with "**EFFECTIVE DATE**. This Act becomes effective on January 1, 2004"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment replaces the emergency clause with an effective date of January 1, 2004.

#### REPORT OF STANDING COMMITTEE

**HB 1117: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1117 was placed on the Sixth order on the calendar.

Page 1, line 6, overstrike "The sum of seven hundred thousand dollars is a"

Page 1, line 7, overstrike "permanent revolving fund of the veterans' aid fund and may not revert to the general fund"

Page 1, line 8, remove the underscored period and after "the" insert "permanent revolving fund of the veterans' aid"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment removes the reference to a sum of \$700,000 in the permanent revolving fund of the veterans' aid fund.

#### REPORT OF STANDING COMMITTEE

**HB 1194: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1194 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1214: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 1 NAY,



3 ABSENT AND NOT VOTING). HB 1214 was placed on the Sixth order on the calendar.

Page 1, line 9, after "a" insert "permanent" and replace "that makes that" with "who is the owner of that motor vehicle"

Page 1, line 10, remove "individual eligible for parking privileges under section 39-01-15"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1222: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1222 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1239: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1239 was placed on the Sixth order on the calendar.

Page 3, line 30, after "tabs" insert ", prize boards", overstrike the second "or" and insert immediately thereafter an underscored comma, and after "tickets" insert an underscored comma

Page 4, line 1, replace "prize boards" with "conducting sports pools"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1243: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1243 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with "a new subsection to section 57-38-57,"

Page 1, line 2, after "57-39.2-04" insert ", and a new subsection to section 57-39.2-23"

Page 1, line 3, after the second comma insert "disclosure of confidential income and sales and use tax information,"

Page 1, line 4, after "reenact" insert "subsection 2 of section 50-09-14 and subsection 2 of" and replace "12.1-28-02" with "54-10-01"

Page 1, line 5, replace "lottery offenses" with "setoffs of lottery prize payments for payment of child support and to the powers and duties of the state auditor"

Page 1, remove lines 8 through 23

Page 2, remove lines 1 through 30

Page 3, remove lines 1 and 2

Page 3, after line 8, insert:

**"SECTION 2. AMENDMENT.** Subsection 2 of section 50-09-14 of the North Dakota Century Code is amended and reenacted as follows:

2. Any person aggrieved by an action taken by the state agency or a child support agency under section 14-09-25, chapter 35-34, this chapter, ~~or chapter 35-34~~ or by the North Dakota lottery director under chapter 53-12 to establish or enforce a child support order may seek review of the action ~~of the state agency or child support agency~~ in the court of this state ~~that~~ which issued or considered the child support order. If an order for child support was issued by a court or administrative tribunal in another state, any person aggrieved by an action taken by the state agency or a child support agency under section 14-09-25, chapter 35-34, this chapter, ~~or chapter 35-34~~ or by the North Dakota lottery director under chapter 53-12 to enforce that order may seek review of the action ~~of the state agency or~~

~~child support agency~~ in any court of this state which has jurisdiction to enforce that order, or if no court of this state has jurisdiction to enforce that order, in any court of this state with jurisdiction over the necessary parties. Any review sought under this subsection must be commenced within thirty days after the date of action for which review is sought. A person who has a right of review under this subsection may not seek review of the actions ~~of the state agency or child support agency~~ in a proceeding under chapter 28-32."

Page 3, line 14, after "3." insert "Gross profits" means on-line sales of lottery tickets less prize share payments, prizes claimed on redeemed winning tickets, and lottery retailer commissions.

4."

Page 3, line 16, replace "4." with "5."

Page 3, line 20, replace "5." with "6."

Page 3, line 22, replace "6." with "7."

Page 3, line 25, replace "7." with "8.", remove "with whom", and replace "contracted" with "licensed"

Page 3, line 27, replace "8." with "9."

Page 3, line 29, replace "9." with "10."

Page 4, line 14, remove "multistate,"

Page 4, line 19, after "services" insert ", including services from financial institutions and other state agencies"

Page 4, line 21, replace "Contract with and license" with "License"

Page 5, line 4, replace "and" with:

"10. Based on reasonable ground or written complaint, suspended, deny, or revoke a lottery retailer's license or impose a monetary fine, or both, for a violation, by the retailer or any agent, member, or employee of the retailer, of this chapter or any rule adopted under this chapter; and"

Page 5, line 5, replace "10." with "11."

Page 5, line 22, remove "multistate"

Page 5, line 24, after "lottery" insert "game"

Page 6, line 5, after "audit" insert ", conducted by the state auditor,"

Page 6, line 15, remove "and persons licensed pursuant to this chapter to the state general fund"

Page 7, line 13, replace "contract" with "license" and replace "Contract" with "License"

Page 7, line 15, replace "All" with "A", replace "contracts" with "license", and replace "are" with "is"

Page 7, line 16, after "canceled" insert ", revoked," and replace "contract" with "license"

Page 7, line 18, replace "certificate" with "license"

Page 7, line 19, replace "certificate" with "license" and replace "certificate" with "license"

Page 7, line 21, replace "certificate" with "license"

Page 9, line 19, after the underscored period insert "For the initial selection of lottery retailers, the commission may recommend, for the director's consideration, lottery retailer applicants for licensure based on criteria prescribed by section 53-12-09."

Page 10, line 2, after the underscored period insert "The attorney general may adopt emergency rules for purposes of this section without the finding otherwise required under section 28-32-03."

Page 11, line 13, replace "net proceeds" with "gross profits generated"

Page 11, line 16, remove "remainder of the" and replace "from the sale of lottery tickets" with ", less the amount allocated to the compulsive gambling prevention and treatment fund and a holdback of any reserve funds the director may need for continuing operations."

Page 11, line 24, replace "authorized" with "licensed"

Page 11, line 28, after "guardian" insert "or deposited in court"

Page 12, line 1, after "prize" insert "of five thousand dollars or less"

Page 12, line 2, after the underscored period insert "Any prize of more than five thousand dollars won by a minor must be deposited in court by the director for the benefit of the minor for further disposition pursuant to chapter 30.1-29."

Page 12, line 19, remove "Right to prize nonassignable -"

Page 12, line 21, replace "who" with "that"

Page 12, line 23, replace "duly appointed" with "lawful" and remove "The right of a person to a prize"

Page 12, line 24, remove "drawn or awarded is not assignable."

Page 12, line 25, remove "Unclaimed prize money must be retained for a period deemed"

Page 12, remove line 26

Page 12, line 27, remove "money must be added to the prize pools of subsequent lottery games."

Page 13, line 1, replace "governor may negotiate" with "North Dakota lottery may license a retailer"

Page 13, line 2, remove "with Indian tribes for the placement and distribution of lottery products"

Page 13, line 3, after "reservations" insert "or on tribal trust land referenced by the tribal-state gaming compacts in effect"

Page 13, line 4, after the second underscored boldfaced period insert:

"1."

Page 13, line 5, replace "except for official purposes, and may not be disclosed except to" with "including:"

- a. Sales and income tax information, financial statements, and credit reports of retailer applicants and persons seeking or doing business with the lottery, and application information other than an applicant's name and retail location;
- b. Information related to persons owing a debt to the state or having a debt collected through a state agency made confidential by another state law or rule remains confidential under this section;
- c. Internal control and security procedures and information on bids or contractual data, the disclosure of which is harmful to the efforts of the lottery to contract for goods and services on favorable terms;
- d. Personal information on a winning player unless the player authorizes, in writing, release of the information; and

- e. Sales data, the disclosure of which is harmful to the competitive position of the lottery, retailers, or persons seeking or doing business with the lottery.
2. To be confidential, the information must be necessary to the security and integrity of the lottery. The information and records may be disclosed within the attorney general's office or to authorized persons in the proper administration of this chapter or lottery rule or in accordance with a judicial order. Criminal history record check information on a retailer applicant or person seeking or doing business with the lottery may be disseminated only according to chapter 12-60."

Page 13, remove lines 6 through 17

Page 13, line 25, remove "Notice of right to appeal -"

Page 13, line 27, replace "in excess of" with "equal to or greater than"

Page 13, line 28, replace "one" with "six"

Page 13, line 29, remove "person's right to appeal to the appropriate court or to"

Page 13, remove line 30

Page 13, line 31, remove "appeal within thirty days after the"

Page 14, line 1, remove "promptly"

Page 14, line 2, after "agency" insert "unless the person notifies the director, in writing, no later than thirty days after receiving the notice of the setoff that the person disputes all or a part of the debt owed or to be collected by the state agency"

Page 14, after line 12, insert:

"53-12-34. Voluntary deposit of adverse claims to prize payment or award. Notwithstanding sections 53-12-20, 53-12-24, 53-12-26, 53-12-30, and 53-12-32, if two or more persons or state agencies make adverse claims to all or a part of a prize payment or award, upon receipt of written notice from the claimants setting forth their respective claims, the director may deposit, in accordance with section 32-11-02, the contested amount of the prize payment or award with the clerk of court in the district in which an action pertaining to the contested amount is pending or with a court-authorized depository. Upon making the deposit, the state and its officials and employees are discharged and relieved from further liability to any person or agency on account of the prize payment or award.

**SECTION 4. AMENDMENT.** Subsection 2 of section 54-10-01 of the North Dakota Century Code is amended and reenacted as follows:

2. Perform or provide for the audit of the general purpose financial statements and a review of the material included in the comprehensive annual financial report of the state and perform or provide for the audits and reviews of state agencies. ~~The~~Except for the annual audit of the North Dakota lottery required by section 53-12-07, the state auditor shall audit or review each state agency once every two years. The state auditor shall determine the contents of the audits and reviews of state agencies. The state auditor may conduct any work required by the federal government. The state auditor shall charge an amount equal to the cost of the audit and other services rendered by the state auditor to all agencies that receive and expend moneys from other than the general fund. This charge may be reduced for any agency that receives and expends both general fund and non-general fund moneys. Audits and reviews may be conducted at more frequent intervals if requested by the governor or legislative audit and fiscal review committee.

**SECTION 5.** A new subsection to section 57-38-57 of the North Dakota Century Code is created and enacted as follows:

The tax commissioner, upon written request from the director of the North Dakota lottery, may provide a written statement to the director, employees, or agents of the North Dakota lottery, in which the tax commissioner is

limited to stating that the lottery retailer applicant has complied or not complied with the requirements of this chapter. The information obtained under this subsection is confidential and may be used for the sole purpose of determining whether the applicant meets the requirements of subdivision d of subsection 1 of section 53-12-13 and subdivision d of subsection 1 of section 53-12-14."

Page 14, after line 15, insert:

**"SECTION 7.** A new subsection to section 57-39.2-23 of the North Dakota Century Code is created and enacted as follows:

The tax commissioner, upon written request from the director of the North Dakota lottery, may provide a written statement to the director, employees, or agents of the North Dakota lottery, in which the tax commissioner is limited to stating that the lottery retailer applicant has complied or not complied with the requirements of this chapter. the information obtained under this subsection is confidential and may be used for the sole purpose of determining whether the applicant meets the requirements of subdivision d of subsection 1 of section 53-12-13 and subdivision d of subsection 1 of section 53-12-14."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1247: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1247 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "; and to provide for application"

Page 2, remove lines 1 through 4

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1292: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1292 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1339: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1339 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act for resolution of electricity transmission export constraints."

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

**SECTION 1. Governmental public purpose - Electricity transmission export constraint priority.** The legislative assembly finds and declares that it is an essential governmental function and public purpose to assist with the removal of electrical transmission export constraints and to assist with the upgrading and expansion of the region's electrical transmission grid in order to facilitate the development of the state's abundant natural resources for export to the region's consumers. The industrial commission shall give priority to those projects, processes, or activities that assist with the resolution of electricity transmission export constraints in this state."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1341: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1341 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

**HB 1349: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1349 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "application" with "an appropriation"

Page 1, line 22, after the second underscored comma insert "or" and remove ", or other procedure"

Page 2, line 8, replace "**APPLICATION**. Notwithstanding any legislative measure approved by the" with "**APPROPRIATION**. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from federal funds and other income, to the following departments for the purpose of defraying the cost of the health insurance premiums necessary to pay the screenings provided by section 1, for the biennium beginning July 1, 2003, and ending June 30, 2005, as follows:

DEPARTMENT	GENERAL FUND	SPECIAL FUNDS	TOTAL
Governor	\$1,306		\$1,306
Secretary of state	1,843		1,843
Office of management and budget	6,368	\$2,695	9,063
Information technology department	2,794	14,793	17,587
State auditor	2,498	1,189	3,687
State treasurer	461		461
Attorney general	7,981	2,618	10,599
State tax commissioner	9,446		9,446
Office of administrative hearings		384	384
Legislative assembly	9,523		9,523
Legislative council	2,765		2,765
Judicial branch	24,933		24,960
Retirement and investment office		1,152	1,152
Public employees retirement system		1,997	1,997
Department of public instruction	1,958	4,340	6,298
North Dakota university system	1,273	109	1,382
State land department		1,306	1,306
Forest service	1,382		1,382
State library	1,920		1,920
School for the deaf	3,975	95	4,070
North Dakota vision services - school for the blind		2,150	2,150
State board for vocational and technical education	1,156	611	1,767
State department of health	7,004	15,037	22,041
Veterans home	7,219		7,219
Indian affairs commission	230		230
Department of veterans affairs	433	28	461
Children's services coordinating committee		77	77
Department of human services	118,397	40,886	159,283
Protection and advocacy project	1,235	608	1,843
Job service North Dakota	6	27,412	27,418
Insurance commissioner		2,918	2,918
Industrial commission	3,916	384	4,300
Labor commissioner	532	159	691
Public service commission	2,775	297	3,072
Aeronautics commission		384	384
Department of financial institutions		1,613	1,613
Securities commissioner	614		614
Bank of North Dakota		12,749	12,749
Housing finance agency		2,381	2,381
Mill and elevator association		8,832	8,832
Workers compensation bureau		16,358	16,358
Highway patrol	5,454	8,985	14,439
State radio	1,996	154	2,150
Division of emergency management	622	838	1,460
Department of corrections and rehabilitation	38,163	3,309	41,472
Adjutant general	2,258	5,729	7,987
Department of commerce	3,626	137	3,763
Department of agriculture	2,321	1,596	3,917
State seed department		1,843	1,843
Upper great plains transportation institute	227	1,923	2,150
Branch research centers	5,026	811	5,837
North Dakota state university extension service	12,911	8,286	21,197
Northern crops institute	350	264	614
North Dakota state university main research center	18,860	8,020	26,880
Agronomy seed farm		230	230
State historical society	3,614	457	4,071
Council on the arts	384		384
Game and fish department		10,291	10,291
Parks and recreation department	3,090	136	3,226
State water commission		6,067	6,067
Department of transportation		77,107	77,107
Total	\$322,845	\$299,772	\$622,617"

Page 2, remove lines 9 through 11

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1358: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1358 was placed on the Sixth order on the calendar.

Page 2, line 12, replace "one hundred" with "eighty-five"

Page 5, line 5, replace "one hundred" with "eighty-five"

Page 5, line 29, remove "Fifteen dollars of each"

Page 5, remove lines 30 and 31

Page 9, line 3, overstrike "twenty-seven" and insert immediately thereafter "thirty-two"

Page 9, line 23, remove "Seven dollars of each"

Page 9, remove lines 24 through 27

Page 10, line 8, replace "\$3,000,000" with "\$3,300,000"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1367: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1367 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1384: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (16 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HB 1384 was placed on the Sixth order on the calendar.

Page 1, line 4, after "**mandates**" insert "- **Exception**"

Page 1, line 6, after "assembly" insert "or as a result of rules adopted by a state agency"

Page 1, line 8, after the period insert "This section does not apply to a program, service, or function that is required as a result of a mandate from the federal government."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1421: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1421 was placed on the Sixth order on the calendar.

Page 2, line 7, replace the underscored colon with "transfer money and spending authority between funds or line items pursuant to section 54-16-04; accept and expend federal funds pursuant to section 54-16-04.1; accept and expend state contingency funds pursuant to section 54-16-09; or accept and expend other funds pursuant to section 54-16-04.2."

Page 2, remove lines 8 through 11

Page 2, line 26, overstrike "may not be" and insert immediately thereafter ", if"

Page 2, line 27, overstrike "without" and insert immediately thereafter ", require the" and overstrike "by" and insert immediately thereafter "of"

Page 3, line 19, replace "if" with "for" and replace "and expenditure" with "of federal funds if the acceptance"

Page 3, line 21, after the underscored period insert "Budget section approval is required before the expenditure of any funds accepted under these conditions."

Page 4, line 10, after the period insert "Approval by the budget section of the legislative council is not required for the acceptance of moneys under this section if the acceptance is necessary to avoid an imminent threat to the safety of people or property due to a natural disaster or war crisis or an imminent financial loss to the state. Budget section approval is required before the expenditure of any funds accepted under these conditions."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1423: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1423 was placed on the Sixth order on the calendar.

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

Page 2, line 10, after the underscored period insert "The department shall designate an applicant city as a rural growth incentive city eligible for a grant if the city raises funds in the amount of a dollar-for-dollar match for the amount requested in the grant application and meets any additional program requirements provided by rule. The source of city funds used for grant matching funds may be any combination of public and private funds."

Page 2, line 17, after the underscored period insert "Total grants awarded by the department under this subsection may not exceed one hundred thousand dollars per biennium."

Page 2, after line 22, insert:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2005, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1437: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1437 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 5-01-01," and after "5-02-01" insert ", 5-02-01.1, 5-02-05.1, and 5-02-10"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 5-01-01 of the North Dakota Century Code is amended and reenacted as follows:

##### **5-01-01. Definitions.** In this title:

1. "Alcohol" means neutral spirits distilled at or above one hundred ninety degrees proof, whether or not such product is subsequently reduced, for nonindustrial use.
2. "Alcoholic beverages" means any liquid suitable for drinking by human beings, which contains one-half of one percent or more of alcohol by volume.
3. "Beer" means any malt beverage containing one-half of one percent or more of alcohol by volume.
4. "Distilled spirits" means any alcoholic beverage that is not beer, wine, sparkling wine, or alcohol.
5. "Licensed premises" means the premises on which beer, liquor, or alcoholic beverages are normally sold or dispensed and must be delineated by diagram or blueprint which must be included with the license application or the license renewal application.
6. "Liquor" means any alcoholic beverage except beer.



7. "Local governing body" means the governing entity of a city, county, or federally recognized Indian tribe in this state.
8. "Local license" means a city, county, or tribal retail alcoholic beverage license issued by the appropriate local governing body.
9. "Microbrew pub" means a brewer that brews ten thousand or fewer barrels of beer per year and sells beer produced or manufactured on the premises for consumption on or off the premises, or serves beer produced or manufactured on the premises for purposes of sampling the beer.
- 8- 10. "Organization" means a domestic or foreign corporation, general partnership, limited partnership, or limited liability company.
- 9- 11. "Sparkling wine" means wine made effervescent with carbon dioxide.
12. "Tribal licensee" means a person issued a local license by the governing body of a federally recognized Indian tribe in this state for the retail sale of alcoholic beverages within the exterior tribal reservation boundaries.
- 40- 13. "Wine" means the alcoholic beverage obtained by fermentation of agricultural products containing natural or added sugar or such beverage fortified with brandy and containing not more than twenty-four percent alcohol by volume."

Page 1, line 8, after "and" insert "a local license from"

Page 1, line 9, remove "or the governing body of an Indian tribe", overstrike "board of county commissioners", and remove "as the"

Page 1, line 10, remove "location requires," and after the comma insert "the board of county commissioners or the governing body of an Indian tribe, as the location requires,"

Page 1, after line 12, insert:

**"SECTION 3. AMENDMENT.** Section 5-02-01.1 of the North Dakota Century Code is amended and reenacted as follows:

**5-02-01.1. Event permit authorized - Penalty.**

1. The local governing body may by permit authorize a qualified alcoholic beverage licensee licensed under this chapter to engage in the sale of alcoholic beverages at events designated by the permit. For purposes of this section, "qualified alcoholic beverage licensee" means a licensee in a city that imposed a city lodging and restaurant tax on July 31, 1993, who paid such tax and who continues to pay any such tax imposed by the city or a licensee in a county~~or~~, a licensee in a city that did not impose a city lodging and restaurant tax on July 31, 1993, or a tribal licensee. A fee for the local permit may be set by ordinance or resolution at not more than twenty-five dollars. The permit may not be valid for a period greater than fourteen days, and may include Sundays. The local governing body may establish rules to regulate and restrict the operation of an event permit. Any person who dispenses, sells, or permits the consumption of alcoholic beverages in violation of this section or the conditions of a permit is guilty of a class B misdemeanor.
2. The local governing body may authorize persons under twenty-one years of age to remain in the area of the event, or a portion thereof, where beer, wine, or sparkling wine may be sold pursuant to the permit. However, this authorization must be subject to the following minimum conditions:
  - a. The area where persons under twenty-one years of age may remain must be specifically set forth in the permit;
  - b. Only employees of the qualified alcoholic beverage licensee who are at least twenty-one years of age may deliver and sell the beer, wine, or sparkling wine;

- c. Subject to section 5-02-06, the area where persons under twenty-one years of age may remain may not be the qualified alcoholic beverage licensee's fixed or permanent licensed premises as shown on the state and local governing body's alcoholic beverage license issued pursuant to section 5-02-01; and
- d. No person under twenty-one years of age within the area described in the permit may consume, possess, or receive alcoholic beverages.

**SECTION 4. AMENDMENT.** Section 5-02-05.1 of the North Dakota Century Code is amended and reenacted as follows:

**5-02-05.1. Sunday alcoholic beverage permit - Penalty.**

1. Any ~~city or county~~ local governing body may issue a Sunday alcoholic beverage permit to a qualified alcoholic beverage licensee licensed under this chapter or to a publicly owned or operated facility. For purposes of this section, "qualified alcoholic beverage licensee" has the same meaning as in section 5-02-01.1. A county may not issue a permit under this section to a retail alcoholic beverage establishment located within the geographical boundaries of a city.
2. The authority for issuing the permit rests solely with the local governing body of the city or county. A permit may be granted only upon proper application to and approval by the governing body, and must include payment of a fee determined by the governing body. A permit granted by the ~~city or county~~ local governing body may be effective for more than one Sunday.
3. Under the permit, alcoholic beverages may be distributed and dancing may be permitted in the establishment or facility. A ~~city or county~~ local governing body may permit dancing and the distribution of alcoholic beverages between the hours of twelve noon on Sunday and one a.m. on Monday. The general public may be permitted to participate in the consumption of alcoholic beverages distributed under the authority of the permit. The establishment or facility granted the permit shall enforce the requirements of this section.
4. Any person who dispenses, sells, or permits the consumption of alcoholic beverages in violation of this section, or who furnishes information required by this section which is false or misleading, is guilty of a class A misdemeanor.

**SECTION 5. AMENDMENT.** Section 5-02-10 of the North Dakota Century Code is amended and reenacted as follows:

**5-02-10. Hearing on alleged violations.** Any person having information that a licensed retailer of alcoholic beverages has violated any provisions of this title may file with the attorney general, city attorney, or state's attorney an affidavit specifically setting forth such violation. Upon receipt of such affidavit, the city attorney or state's attorney shall set the matter for hearing not later than the next regular meeting of the local governing body or forward such affidavit to the attorney general. Upon receipt of any such affidavit the attorney general shall set the matter for hearing in the local county courthouse not less than ten days after copies of the affidavit and notice of hearing have been mailed to the licensee by registered mail. If the hearing is held by the local governing body, a copy of this affidavit and notice of hearing must be mailed the licensee by registered mail not less than five days before such hearing. A record of such hearings will be made by stenographic notes or the use of an electronic recording device."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1442: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1442 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1448: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1448 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1452: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1452 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1453: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1453 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1465: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1465 was placed on the Sixth order on the calendar.

Page 1, line 2, replace the first "and" with a comma and after "20.1-02-25" insert ", and subdivision I of subsection 1 of section 54-07-01.2"

Page 3, after line 12, insert:

**"SECTION 5. AMENDMENT.** Subdivision I of subsection 1 of section 54-07-01.2 of the North Dakota Century Code is amended and reenacted as follows:

I. The state game and fish ~~advisory board~~ commission."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1470: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1470 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1482: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1482 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3021: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3021 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3027: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3027 was placed on the Sixth order on the calendar.

Page 1, line 18, replace the third comma with "; and

**WHEREAS**, as our younger citizens mature, they will need to understand"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3031: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3031 was placed on the Tenth 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, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Monday, February 10, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**