

JOURNAL OF THE HOUSE**Fifty-eighth Legislative Assembly**

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Bismarck, February 12, 2003

The House convened at 1:00 p.m., with Speaker Wentz presiding.

The prayer was offered by Rev. John Luhmann, Bismarck Evangelical Church.

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

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 1291, HB 1383, HB 1405, HB 1420 and HB 1489 be adopted, which motion prevailed.

HB 1291, HB 1383, HB 1405, HB 1420 and HB 1489, as amended, were placed on the Eleventh order of business on the calendar.

MOTION

REP. BERG MOVED that HB 1181, HB 1161, HB 1461 and HB 1404 be laid over one legislative day, and HB 1479 and HB 1289 be laid over one legislative day, and HB 1038 be laid over two legislative days, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1421: A BILL for an Act to create and enact a new section to chapter 54-16 of the North Dakota Century Code, relating to the presentation of emergency request petitions to the emergency commission; to amend and reenact subsection 1 of section 54-16-00.1 and sections 54-16-03, 54-16-04, 54-16-04.1, 54-16-04.2, 54-16-09, and 54-16-11.1 of the North Dakota Century Code, relating to procedures employed by the emergency commission and approvals by the budget section; and to repeal sections 54-16-10 and 54-16-11 of the North Dakota Century Code, relating to departmental emergency funds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Gulletson; Haas; Hanson; Hawken; Headland; 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; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Herbel

Engrossed HB 1421 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1123: A BILL for an Act to amend and reenact section 23-01-08 of the North Dakota Century Code, relating to authority of the state health officer to appoint a deputy state health officer.

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; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleeson; Haas; Hanson; Hawken; Headland; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Potter; Price; Rennerfeldt; Ruby; Sandvig; Severson; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Bellew; Delzer; Kempenich; Kerzman; Klein, F.; Metcalf; Mueller; Porter; Sitte; Warnke

ABSENT AND NOT VOTING: Herbel; Schmidt

Engrossed HB 1123 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1148: A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota Century Code, relating to release of water resource board easements; and to amend and reenact sections 61-02-14.1, 61-16.1-38, and 61-16.1-53 of the North Dakota Century Code, relating to dam construction easements, dam construction permits, and dike and dam removal notices and hearings.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Gulleeson; Haas; Hanson; Hawken; Headland; 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; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Herbel

Engrossed HB 1148 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1264: A BILL for an Act to create and enact a new section to chapter 26.1-26 of the North Dakota Century Code, relating to a controlled insurance business.

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

YEAS: Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleeson; Haas; Hanson; Hawken; Headland; 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; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Aarsvold; Boe; Brusegaard; Niemeier; Uglen

ABSENT AND NOT VOTING: Herbel

Engrossed HB 1264 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1265: A BILL for an Act to create and enact a new section to chapter 26.1-26 of the North Dakota Century Code, relating to limitations and disclosure on insurance fees for service.

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, 56 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Boehning; Carlson; Clark; Dosch; Eckre; Froseth; Galvin; Grosz; Haas; Hanson; Hawken; Headland; Iverson; Johnson, N.; Kasper; Keiser; Klein, F.; Klemin; Koppelman; Kreidt; Maragos; Monson; Pietsch; Pollert; Potter; Ruby; Skarphol; Thoreson; Tieman; Timm; Wald; Wieland; Williams; Zaiser

NAYS: Amerman; Bellew; Bernstein; Boe; Boucher; Brusegaard; Carlisle; DeKrey; Delmore; Delzer; Devlin; Drovda; Ekstrom; Froelich; Glassheim; Grande; Gulleson; Hunskor; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Porter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thorpe; Uglen; Warner; Warnke; Weiler; Weisz; Wikenheiser; Winrich; Wrangham; Speaker Wentz

ABSENT AND NOT VOTING: Herbel

HB 1265 lost.

SECOND READING OF HOUSE BILL

HB 1145: A BILL for an Act to create and enact two new subsections to section 57-51-01 and a new section to chapter 57-51 of the North Dakota Century Code, relating to a temporary exemption from the gross production tax for gas produced from shallow gas wells; 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 90 YEAS, 1 NAY, 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; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; 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; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglen; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Potter

ABSENT AND NOT VOTING: Herbel; Price; Weisz

Engrossed HB 1145 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1217: A BILL for an Act to amend and reenact section 50-24.1-02.3 of the North Dakota Century Code, relating to the exclusion of pre-need funeral service contracts in determining eligibility for medical assistance.

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 36 YEAS, 57 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Delmore; Drovdal; Ekstrom; Froelich; Glassheim; Gulleeson; Hanson; Hunsakor; Johnson, D.; Kelsh, S.; Kerzman; Klein, F.; Koppelman; Kroeber; Maragos; Metcalf; Monson; Mueller; Nicholas; Nottestad; Onstad; Potter; Rennerfeldt; Sandvig; Schmidt; Solberg; Thorpe; Tieman; Warner; Weiler; Winrich; Zaiser

NAYS: Bellev; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Eckre; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, M.; Klemm; Kreidt; Kretschmar; Martinson; Meier; Nelson; Niemeier; Norland; Pietsch; Pollert; Porter; Price; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Wald; Warnke; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Speaker Wentz

ABSENT AND NOT VOTING: Herbel

Engrossed HB 1217 lost.

MOTION

REP. BERG MOVED that HB 1376, HB 1392, HB 1307 and HB 1416 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1278: A BILL for an Act to amend and reenact section 24-07-06 of the North Dakota Century Code, relating to establishment of public road access to isolated tracts of land.

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

YEAS: Aarsvold; Amerman; Bellev; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleeson; Haas; Hanson; Hawken; Headland; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemm; Koppelman; 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; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

NAYS: Delzer; Drovdal; Klein, F.; Skarphol; Warner; Wrangham

ABSENT AND NOT VOTING: Boucher; Herbel; Maragos

Engrossed HB 1278 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1280: A BILL for an Act to amend and reenact subsection 3 of section 57-15-01.1 and section 57-15-08 of the North Dakota Century Code, relating to city and park district general fund levy limitations; 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 43 YEAS, 50 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Boehning; Boucher; DeKrey; Delmore; Devlin; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Haas; Hanson; Hawken; Hunskor; Johnson, D.; Kelsh, S.; Klein, F.; Kreidt; Kretschmar; Kroeber; Maragos; Metcalf; Mueller; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Potter; Ruby; Sandvig; Schmidt; Severson; Tieman; Uglem; Warner; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

NAYS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Brusegaard; Carlisle; Carlson; Clark; Delzer; Dosch; Drovdal; Froelich; Grande; Grosz; Gulleson; Headland; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Martinson; Meier; Monson; Nelson; Norland; Pollert; Porter; Price; Rennerfeldt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Wald; Warnke; Weiler; Weisz; Wrangham

ABSENT AND NOT VOTING: Herbel

Engrossed HB 1280 lost.

SECOND READING OF HOUSE BILL

HB 1345: A BILL for an Act to create and enact a new subsection to section 54-21.3-03 of the North Dakota Century Code, relating to the state building code; and to amend and reenact section 54-21.3-07 of the North Dakota Century Code, relating to modular residential and commercial structures.

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, 8 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: DeKrey; Delzer; Ekstrom; Kempenich; Kroeber; Niemeier; Weisz; Zaiser

ABSENT AND NOT VOTING: Drovdal; Froelich; Gulleson; Herbel

Engrossed HB 1345 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1399: A BILL for an Act to create a pharmaceutical manufacturers drug access program within the office of insurance commissioner for low-income individuals; and to provide an appropriation.

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, 1 NAY, 0 EXCUSED, 1 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; 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; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter;

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

NAYS: Niemeier

ABSENT AND NOT VOTING: Herbel

Engrossed HB 1399 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1411: A BILL for an Act to create and enact section 40-47.3-01.2 of the North Dakota Century Code, relating to the imposition of a city motor vehicle rental tax; and to amend and reenact section 40-47.3-02 of the North Dakota Century Code, relating to the establishment of the city visitors' promotion fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 43 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Berg; Bernstein; Boe; Delmore; Devlin; Dosch; Eckre; Ekstrom; Froseth; Glassheim; Haas; Hanson; Hawken; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Klein, F.; Klein, M.; Klemin; Kreidt; Kroeber; Maragos; Meier; Metcalf; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Porter; Price; Sandvig; Severson; Tieman; Uglem; Wald; Warner; Warnke; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

NAYS: Aarsvold; Amerman; Bellew; Belter; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delzer; Drovdal; Froelich; Galvin; Grande; Grosz; Gulleon; Headland; Kasper; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Koppelman; Kretschmar; Martinson; Monson; Norland; Pollert; Potter; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Weiler; Weisz; Wrangham

ABSENT AND NOT VOTING: Carlson; Herbel; Nicholas

Engrossed HB 1411 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1417: A BILL for an Act to provide for collection and review of information on economic development incentives provided by the state and political subdivisions and job quality and accountability standards.

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 26 YEAS, 67 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Delmore; Ekstrom; Froelich; Glassheim; Gulleon; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Thorpe; Warner; Williams; Winrich; Zaiser

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

ABSENT AND NOT VOTING: Herbel

HB 1417 lost.

SECOND READING OF HOUSE BILL

HB 1475: A BILL for an Act to provide for a legislative council study of the feasibility and desirability of a Bank of North Dakota credit card program.

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 67 YEAS, 21 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Delmore; Devlin; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Haas; Hanson; Hawken; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemm; Kreidt; Kretschmar; Kroeber; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Pietsch; Pollert; Porter; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Tieman; Uglem; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Wrangham; Zaiser; Speaker Wentz

NAYS: Amerman; Belter; Carlson; Clark; DeKrey; Delzer; Ekstrom; Grande; Grosz; Gulleson; Headland; Martinson; Norland; Onstad; Potter; Rennerfeldt; Skarphol; Thorpe; Timm; Wald; Winrich

ABSENT AND NOT VOTING: Herbel; Kerzman; Koppelman; Maragos; Price; Weisz

Engrossed HB 1475 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1492: A BILL for an Act to amend and reenact section 57-28-15 of the North Dakota Century Code, relating to bidders at annual sales of land acquired by tax deeds.

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, 1 NAY, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; 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; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

NAYS: Wrangham

ABSENT AND NOT VOTING: Berg; Herbel; Koppelman; Maragos; Price; Weisz

Engrossed HB 1492 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1449: A BILL for an Act to repeal sections 57-39.2-12.1 and 57-40.2-07.1 of the North Dakota Century Code, relating to retailer reimbursement for collecting sales and use 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 20 YEAS, 68 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Bernstein; Brusegaard; Carlson; Clark; Delzer; Devlin; Froseth; Glassheim; Grande; Gulleson; Metcalf; Niemeier; Onstad; Severson; Skarphol; Svedjan; Timm; Warner

NAYS: Amerman; Belter; Boe; Boehning; Boucher; Carlisle; DeKrey; Delmore; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Galvin; Grosz; Haas; Hanson; Hawken; Headland; 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; Monson; Mueller; Nelson; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Thoreson; Thorpe; Tieman; Uglem; Wald; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Berg; Herbel; Maragos; Nicholas; Price; Weisz

HB 1449 lost.

SECOND READING OF HOUSE BILL

HB 1464: A BILL for an Act to create and enact a new section to chapter 34-01 of the North Dakota Century Code, relating to employers' responsibilities for nursing mothers.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 30 YEAS, 59 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boucher; Delmore; Ekstrom; Glassheim; Guleson; Hanson; Hawken; Hunskor; Johnson, N.; Kelsh, S.; Kerzman; Klein, F.; Kroeber; Meier; Metcalf; Mueller; Niemeier; Nottestad; Onstad; Potter; Sandvig; Schmidt; Solberg; Warner; Williams; Winrich; Zaiser; Speaker Wentz

NAYS: Bellew; Belter; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Grande; Grosz; Haas; Headland; Iverson; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Monson; Nelson; Norland; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham

ABSENT AND NOT VOTING: Berg; Boe; Herbel; Maragos; Nicholas

HB 1464 lost.

SECOND READING OF HOUSE BILL

HB 1468: A BILL for an Act to create and enact a new section to chapter 43-17 of the North Dakota Century Code, relating to reports of student loan defaults.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 88 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Dosch

NAYS: Amerman; Bellew; Belter; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Guleson; Haas; Hanson; Hawken; Headland; Hunskor; 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; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Berg; Herbel; Koppelman; Maragos

HB 1468 lost.

SECOND READING OF HOUSE BILL

HB 1470: A BILL for an Act to create and enact two new subsections to section 38-14.1-17 of the North Dakota Century Code, relating to release of surface mining and reclamation performance bonds.

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

NAYS: Aarsvold; Amerman; Bellew; Belter; 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; Hunskor; 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; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Berg; Herbel; Koppelman; Maragos

HB 1470 lost.

SECOND READING OF HOUSE BILL

HB 1473: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to a board of home inspectors and the licensing of home inspectors; 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 6 YEAS, 85 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Ekstrom; Niemeier; Nottestad; Potter; Thorpe; Winrich

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Hunskor; 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; Norland; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Herbel; Koppelman; Maragos

HB 1473 lost.

SECOND READING OF HOUSE BILL

HB 1476: A BILL for an Act to prohibit discrimination by and require registration of third-party administrators of employer benefits plans.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 29 YEAS, 61 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bellew; Bernstein; Boehning; Brusegaard; Carlson; Clark; Delzer; Galvin; Glassheim; Grande; Hawken; Iverson; Kasper; Kempenich; Klein, F.; Monson; Pietsch; Potter; Ruby; Sitte; Skarphol; Thoreson; Tieman; Timm; Uglem; Wald; Weiler; Wieland; Wrangham

NAYS: Aarsvold; Amerman; Belter; Berg; Boucher; Carlisle; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Grosz; Gulleeson; Haas; Hanson; Headland; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pollert; Porter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thorpe; Warner; Warnke; Weisz; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Boe; DeKrey; Herbel; Maragos

HB 1476 lost.

SECOND READING OF HOUSE BILL

HB 1481: A BILL for an Act to amend and reenact subsections 4 and 6 of section 23-02.1-19 and subsections 3 and 5 of section 23-02.1-20 of the North Dakota Century Code, relating to the signing of death certificates by a nurse practitioner.

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; 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; Haas; Hanson; Hawken; Headland; 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; 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; Warner; Warnke; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Monson; Thoreson; Wald; Weiler

ABSENT AND NOT VOTING: Gulleeson; Herbel; Maragos

HB 1481 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1482: A BILL for an Act to create and enact a new section to chapter 57-43.1 of the North Dakota Century Code, relating to a refund of motor vehicle fuels taxes on fuels used in certain vehicles for public transportation; 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 22 YEAS, 71 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Delmore; Ekstrom; Gulleeson; Hanson; Kelsh, S.; Kerzman; Kroeber; Maragos; Metcalf; Mueller; Niemeier; Onstad; Potter; Schmidt; Solberg; Thorpe; Warner; Winrich

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

ABSENT AND NOT VOTING: Herbel

HB 1482 lost.

SECOND READING OF HOUSE BILL

HB 1496: A BILL for an Act to amend and reenact section 50-24.1-02.2 of the North Dakota Century Code, relating to eligibility criteria for married persons seeking medical assistance benefits or aid to vulnerable, aged, blind, and disabled persons when one spouse is institutionalized.

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, 88 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Delmore; Kerzman; Niemeier; Potter

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Hunsakor; 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; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Carlson; Herbel

HB 1496 lost.

SECOND READING OF HOUSE BILL

HB 1498: A BILL for an Act to create and enact sections 45-11-02.1, 45-11-10, 47-25-02.1, and 47-25-08 of the North Dakota Century Code, relating to electronic filing of partnership fictitious name certificates and electronic filing of trade name registrations with the secretary of state; and to amend and reenact sections 45-11-04.1, 45-11-08.1, 47-25-03, 47-25-04, and 47-25-06 of the North Dakota Century Code, relating to fictitious name certificates and trade name registrations.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Herbel

HB 1498 passed and the title was agreed to.

MOTION

REP. BERG MOVED that HB 1499 and HB 1443 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3017: A concurrent resolution for the amendment of section 9 of article 1 of the Constitution of North Dakota, relating to judicial review of governmental determinations that impact a person's property or activities.

ROLL CALL

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 93 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: 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; 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; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Herbel

HCR 3017 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3043: A concurrent resolution urging Congress to eliminate the estate tax.

ROLL CALL

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 59 YEAS, 33 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; Delzer; Devlin; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Wieland; Wikenheiser; Wrangham

NAYS: Aarsvold; Amerman; Boe; Boucher; DeKrey; Delmore; Eckre; Ekstrom; Froelich; Glassheim; Gulleson; Hanson; Hunsakor; Keiser; Kelsh, S.; Kerzman; Kretschmar; Kroeber; Metcalf; Mueller; Niemeier; Nottestad; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Williams; Winrich; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Herbel; Weisz

HCR 3043 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3044: A concurrent resolution urging Congress to enact the President's 2002 economic growth and tax relief plan.

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3044 passed on a voice vote.

MOTION

REP. BERG MOVED that HB 1045 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1045 was rereferred.

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 2018, SB 2167, SB 2223, SB 2298, SB 2359, SB 2364, SB 2393.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2404.

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 1095, HB 1112, HB 1113, HB 1117, HB 1214, HB 1222, HB 1239, HB 1339, HB 1437.

FIRST READING OF SENATE BILLS

SB 2063: A BILL for an Act to amend and reenact subsections 2 and 3 of section 16.1-08.1-01 of the North Dakota Century Code, relating to campaign contributions.
Was read the first time and referred to the **Judiciary Committee**.

SB 2143: A BILL for an Act to amend and reenact section 43-45-07.1 of the North Dakota Century Code, relating to the licensure of addiction counselors.
Was read the first time and referred to the **Human Services Committee**.

SB 2147: A BILL for an Act to create and enact six new sections to chapter 12-65 of the North Dakota Century Code, relating to the supervision of adult offenders; to amend and reenact subsection 3 of section 12-47-36, subsection 4 of article 2 and subsection 2 of article 3 of section 12-65-01, and subsection 1 of section 54-57-03 of the North Dakota Century Code, relating to records of persons in the custody of or under the supervision and management of the department of corrections and rehabilitation, hearings before administrative law judges, and supervision of adult offenders; to repeal chapters 12-56 and 12-56.1 of the North Dakota Century Code and section 2 of chapter 141 of the 2001 Session Laws, relating to out-of-state parolee supervision, hearings for interstate parolees and probationers, and elimination of the expiration date of laws relating to the interstate compact for adult offender supervision; and to provide a penalty.
Was read the first time and referred to the **Judiciary Committee**.

SB 2150: A BILL for an Act to create and enact two new sections to chapter 39-06.2 of the North Dakota Century Code, relating to furnishing driving record information and to records of imminent hazard disqualification of commercial drivers; and to amend and reenact subsection 67 of section 39-01-01 and sections 39-06.2-02 and 39-06.2-10 of the North Dakota Century Code, relating to definitions and disqualification of commercial motor vehicle operators.
Was read the first time and referred to the **Transportation Committee**.

SB 2151: A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to transferring the state crime laboratory division including the state toxicologist to the office of the attorney general and to provide for transfer of related administrative rules; to amend and reenact sections 19-01-10 and 19-03.1-37, subsection 2 of section 28-32-01, sections 31-13-01, 31-13-03, 31-13-04, 31-13-05, 31-13-07, 31-13-08, and 31-13-09, and subsection 9 of section 39-20-07 of the North Dakota Century Code, relating to the state crime laboratory, the state toxicologist, and DNA testing; and to repeal sections 12-60-21, 12-60-22, and 23-01-09.1 of the North Dakota Century Code, relating to the bureau of criminal investigation and the state toxicologist; to provide an effective date; and to declare an emergency.
Was read the first time and referred to the **Judiciary Committee**.

SB 2178: A BILL for an Act to amend and reenact sections 2-06-02 and 2-06-03 of the North Dakota Century Code, relating to the dissolution of airport authorities.
Was read the first time and referred to the **Political Subdivisions Committee**.

SB 2182: A BILL for an Act to amend and reenact section 15.1-27-05 of the North Dakota Century Code, relating to the school district equalization factor.
Was read the first time and referred to the **Education Committee**.

SB 2192: A BILL for an Act to create and enact a new subsection to section 57-40.6-01 of the North Dakota Century Code, relating to the definition of automated notification system; and to amend and reenact section 57-40.6-08 of the North Dakota Century Code, relating to liability for emergency services communication systems.
Was read the first time and referred to the **Judiciary Committee**.

SB 2198: A BILL for an Act to amend and reenact sections 36-14-04.1, 36-25-01, and 36-25-10 of the North Dakota Century Code, relating to certificates of veterinary inspection and farmed elk; and to provide a penalty.

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

SB 2212: A BILL for an Act to amend and reenact section 12.1-20-08, subsection 1 of section 12.1-20-12.1, subsection 8 of section 27-20-02, subsection 2 of section 50-25.1-02, and section 50-25.1-03.1 of the North Dakota Century Code, relating to the crimes of fornication and indecent exposure, definition of deprived child, and child abuse and neglect reporting requirements; to provide a penalty; and to declare an emergency.

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

SB 2214: A BILL for an Act to amend and reenact section 11-11-49 of the North Dakota Century Code, relating to rewards offered by a board of county commissioners.

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

SB 2216: A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to conduct by school students and staff.

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

SB 2228: A BILL for an Act to amend and reenact sections 44-04-18.12, 51-15-01, 51-15-04, 51-15-05, 51-15-06, 51-15-06.1, 51-15-07, 51-15-08, 51-15-10, and 51-15-11 of the North Dakota Century Code, relating to the confidentiality of agreements between a governmental agency in another jurisdiction and the attorney general and to unlawful sales or advertising practices; to provide a penalty; and to declare an emergency.

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

SB 2231: A BILL for an Act to amend and reenact sections 49-21-01, 49-21-01.3, 49-21-04, 49-21-05, 49-21-07, 49-21-08.1, 49-21-10.1, 49-21-20, and 49-21-23 of the North Dakota Century Code, relating to definitions, price changes, price schedules, dialing parity, refunds, penalties, and cost recovery for telecommunications services and telecommunications companies; and to repeal section 49-21-19 of the North Dakota Century Code, relating to telephone directory notices.

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

SB 2232: A BILL for an Act to amend and reenact section 54-17-25 of the North Dakota Century Code, relating to bonds of the student loan trust.

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

SB 2238: A BILL for an Act to provide for automobile insurance notice requirements following total loss.

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

SB 2243: A BILL for an Act to amend and reenact subsection 1 of section 18-10-04 of the North Dakota Century Code, relating to the board of directors of a rural fire protection district.

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

SB 2256: A BILL for an Act to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to plant and seed records.

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

SB 2260: A BILL for an Act to provide an appropriation for approved applied technology programs.

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

SB 2261: A BILL for an Act to create and enact a new section to chapter 6-09, 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.

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

SB 2262: A BILL for an Act to create and enact a new subsection to section 26.1-40-15.6 of the North Dakota Century Code, relating to limitations on uninsured or underinsured coverage.

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

SB 2268: A BILL for an Act to prohibit the fraudulent use of retail sales receipts and universal product code labels; and to provide a penalty.

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

SB 2269: A BILL for an Act to create and enact two new sections to chapter 12.1-23 North Dakota Century Code, relating to the unlawful manufacture, distribution, and use of theft detection shielding devices or deactivators; and to provide a penalty.

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

SB 2281: A BILL for an Act to amend and reenact subparagraph a of paragraph 3 of subdivision d of subsection 3 of section 26.1-36.3-06 of the North Dakota Century Code, relating to small employer health benefit plans.

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

SB 2286: A BILL for an Act to amend and reenact section 57-33-03 of the North Dakota Century Code, relating to reporting of cooperative gross receipts for purposes of taxation of rural electric cooperatives; and to provide an effective date.

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

SB 2287: A BILL for an Act to provide for a legislative council study of licensure of accredited business accountants.

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

SB 2289: A BILL for an Act to amend and reenact subsection 1 of section 23-07-17.1 of the North Dakota Century Code, relating to required inoculations for children.

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

SB 2302: A BILL for an Act to amend and reenact subsection 4 of section 13-01-14 of the North Dakota Century Code, relating to late payment charges on medical or hospital bills.

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

SB 2309: A BILL for an Act to amend and reenact subsection 4 of section 65-04-33 of the North Dakota Century Code, relating to exempting townships from penalties for failing to furnish workers' compensation payroll reports.

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

SB 2312: A BILL for an Act to provide for a manufactured home installation program.

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

SB 2339: A BILL for an Act to provide for the interstate transfer or travel of probationers; to provide for a continuing appropriation; and to provide an appropriation.

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

SB 2340: A BILL for an Act to amend and reenact section 46-03-10 of the North Dakota Century Code, relating to correction of errors in statutory provisions.

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

SB 2365: A BILL for an Act to amend and reenact subsection 2 of section 43-25-09 of the North Dakota Century Code, relating to massage therapist continuing education.

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

SB 2378: A BILL for an Act to amend and reenact subsection 3 of section 43-28.1-03 and subsection 1 of section 43-28.1-04 of the North Dakota Century Code, relating to selection criteria and eligibility for loan repayment for dentists.

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

SB 2383: A BILL for an Act to authorize the state board of higher education to convey certain land in Ramsey County, North Dakota, to the city of Devils Lake.

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

SB 2384: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the effect on medical assistance eligibility of transfers involving annuities.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4005: A concurrent resolution urging the United States Secretary of Agriculture to implement a cost of production insurance pilot program.

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

SCR 4007: A concurrent resolution urging the President and Congress to end the embargo on United States agricultural and manufactured products and expand trade with the Republic of Cuba and to end the travel restrictions that prohibit most United States citizens from visiting the Republic of Cuba.

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

SCR 4009: A concurrent resolution urging the United States Department of Agriculture to fully implement the conservation security program of the 2002 Farm Security and Rural Investment Act in order to assist farmers with the cost of conserving vital agricultural resources.

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

SCR 4010: A concurrent resolution urging Congress to adopt whole-farm cost of production insurance that is based on a producer's actual production cost history.

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

REPORT OF STANDING COMMITTEE

HB 1086: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1086 was placed on the Sixth order on the calendar.

Page 1, line 14, after "improvement" insert "for the sixth consecutive year"

Page 1, line 16, replace "the district" with "any one of the three closest districts"

Page 1, line 17, replace "of" with "whose child is"

Page 1, line 22, after "application" insert "as provided in section 15.1-31-06"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1096: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1096 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new subdivision to subsection 31 of section 52-01-01 and"

Page 1, line 2, after "relating" insert "to the definition of wages and"

Page 1, after line 8, insert:

"SECTION 1. A new subdivision to subsection 31 of section 52-01-01 of the North Dakota Century Code is created and enacted as follows:

Payments that qualify as supplemental unemployment compensation paid by an employer to former employees if those payments are paid pursuant to a plan that meets the following requirements:

- (1) Benefits are paid only to unemployed former employees who are laid off by the employer;
- (2) Eligibility for benefits depends on meeting prescribed conditions after termination;
- (3) The amount of weekly benefits payable is based upon state unemployment benefits, other compensation allowable under state law, and the amount of regular weekly pay of that former employee;
- (4) The duration of the benefits is affected by the fund level and employee seniority;

- (5) The right to benefits does not accrue until a prescribed period after termination;
- (6) Benefits are not attributable to the performance of particular services;
- (7) No employee has any right to the benefits until qualified and eligible to receive benefits; and
- (8) Benefits may not be paid in a lump sum."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1155: 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). HB 1155 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of the criteria by which a student's school district of residence is established.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 2003-04 interim, the criteria by which a student's school district of residence is established and whether that criteria correctly assigns both benefits and responsibilities to the appropriate school districts. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1232: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1232 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "~~deposit the money in a federally insured~~"

Page 1, line 10, remove the overstrike over "~~interest bearing savings or~~", after "passbook" insert "checking", and remove the overstrike over "~~account~~"

Page 1, line 11, remove "hold the money" and remove ". The interest on the deposit is"

Page 1, line 12, remove "deemed to be a simple noncompounded interest rate of three percent per annum"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1241: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1241 was placed on the Sixth order on the calendar.

Page 1, replace lines 7 through 9 with:

"Institutions of higher education - Catering events - Conditions.

1. An institution of higher education under the control of the state board may not cater an event, either on the campus or off the campus, if doing so would compete with for-profit or not-for-profit entities that are located within the same city as the institution and which are able and willing to offer the necessary services. Before accepting a contract to cater an event, a

representative of the institution shall contact the appropriate entities to determine their ability and willingness to provide the service.

2. Notwithstanding the provisions of subsection 1, an institution of higher education may cater an event either on the campus or off the campus provided the event is:
 - a. For persons who belong to an organization affiliated with the institution;
 - b. For persons who are enrolled in the institution;
 - c. For persons who are employed by or at the institution;
 - d. For persons who are guests of the institution; or
 - e. Held by or under the auspices of the institution."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1263, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1263 was placed on the Sixth order on the calendar.

Page 1, remove lines 20 through 23

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1273: Education Committee (Rep. R. Kelsch, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (7 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1273 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1281: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1281 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "2002" with "2003"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1287: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1287 was placed on the Sixth order on the calendar.

Page 1, line 10, after the right bracket insert "or if the disclosure is requested by a state or local child support agency"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1325: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1325 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "classroom, auditorium, and"

Page 1, remove line 8

Page 1, line 9, remove "display"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1329: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1329 was placed on the Sixth order on the calendar.

Page 2, line 14, remove "A business or"

Page 2, remove line 15

Page 2, line 16, remove "against a defendant or defendants in the same action."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1334: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1334 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "employer"

Page 1, line 4, replace "information" with "and employer zip codes" and remove "workers' compensation and"

Page 1, line 8, replace "or otherwise" with "in aggregate form employers' and employees' nine-digit zip codes provided to the bureau by employers."

Page 1, remove lines 9 and 10

Page 2, line 3, replace "statistical data relating to the physical" with "employers' and employees' nine-digit zip codes."

Page 2, remove line 4

Page 2, line 5, remove "commerce may request for purposes of furthering commerce in the state."

Page 2, line 31, after the second comma insert "employer's and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1336, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1336 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1337: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1337 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1361: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1361 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15.1-31-02 of the North Dakota Century Code, relating to grounds for the denial of open enrollment applications; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-31-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-31-02. Open enrollment - Grounds for denial - Exception.

1. Except as provided in section 15.1-31-04, the board of a student's school district of residence may deny an application under section 15.1-31-01 only if the application will result in a reduction of the number of students enrolled in the district by more than twenty percent of the average daily membership the previous school year. ~~However, if denying an~~
2. Notwithstanding the provisions of subsection 1, the board of a school district may not deny an application for open enrollment if:
 - a. Denying the application would result in the enrollment of children from the same nuclear family in different school districts, ~~the school board of the district of residence may not deny the application; or~~
 - b. The application for open enrollment is filed on behalf of a student whose district of residence took part in an election to approve a reorganization plan and if the reorganization plan was rejected under section 15.1-12-11.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1370: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1370 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of workers' compensation premium calculations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. WORKERS' COMPENSATION PREMIUM CALCULATIONS - LEGISLATIVE COUNCIL STUDY. During the 2003-04 interim, the legislative council shall consider studying the feasibility and desirability of calculating the workers' compensation premium based on an employee's gross annual wage. If the study is selected 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."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1387: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1387 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 48-01.1-09 of the North Dakota Century Code, relating to bonds by construction managers on public improvement projects.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 48-01.1-09 of the North Dakota Century Code is amended and reenacted as follows:

48-01.1-09. Use of construction manager. If a governing body uses a construction manager on a public improvement, the construction manager must be a licensed contractor. The construction manager awarded the contract for construction of a public improvement shall bond the entire cost of the project through a single bond, or through bonds provided by all bid packages and the construction manager's bond for the full amount of the construction manager's services. If the total of the bonds is less

than the total project bid, the construction manager shall bond the difference between the total of the bonds and the total project bid. The construction manager shall provide an additional bond of an amount equal to ten percent of the total project bid."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1397: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1397 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "school district"

Page 1, line 6, after the boldfaced period insert:

"1."

Page 1, line 8, replace "provided the board first determines that there" with "but may not advertise to the general public its willingness to enter into such a contract."

2. The board of a school district may establish a policy regarding activities governed under subsection 1 and address issues related to competition with private sector entities.
3. An institution under the control of the state board of higher education may enter into a contract to prepare and provide meals, snacks, or other food services for persons or programs not affiliated with the institution, but may not advertise to the general public its willingness to enter into such contract."

Page 1, remove line 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1398: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1398 was placed on the Sixth order on the calendar.

Page 2, line 9, replace "sacred" with "succeed"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1408: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1408 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 23-12 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to smoking restrictions in nonpublic workplaces; to"

Page 1, line 4, replace the second comma with "and"

Page 1, line 5, remove ", and nonpublic workplaces"

Page 1, line 9, replace the boldfaced underscored comma with "and"

Page 1, line 10, remove ", and nonpublic workplaces"

Page 1, line 21, after "of" insert "public"

Page 3, remove line 25

Page 3, line 26, replace "d." with "c."

Page 3, line 29, replace "e." with "d."

Page 4, line 1, replace "f." with "e."

Page 4, line 2, after the underscored semicolon insert "and"

Page 4, line 3, replace "g." with "f." and remove the underscored semicolon"

Page 4, remove lines 4 through 11

Page 4, line 12, remove "facilities during nonschool hours"

Page 4, remove lines 20 through 31

Page 5, remove lines 1 through 9

Page 6, line 13, remove "or section 3 of this Act"

Page 6, line 15, remove "or section 3 of this Act"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1415: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1415 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1424: 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). HB 1424 was placed on the Sixth order on the calendar.

Page 1, line 9, after "oocyte" insert a comma

Page 1, line 11, after the first "human" insert "or"

Page 1, line 16, replace "state" with "stage"

Page 1, line 17, replace "ovum" with "female germ cell, also known as an egg"

Page 1, line 22, replace "a cloned" with "the product of a" and replace "embryo" with "cloning"

Page 1, line 23, replace "human ovum" with "oocyte"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1425: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1425 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "heirs" with "descendants"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1427: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1427 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 32-09.1-05, 32-09.1-10, and 32-09.1-14 of the North Dakota Century Code, relating to garnishment disclosure fees and default judgments; and to provide for a legislative council study of garnishment forms.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 32-09.1-05 of the North Dakota Century Code is amended and reenacted as follows:

32-09.1-05. Service on office of management and budget - Fees. Service upon the state of North Dakota, or any state institution, department, or agency thereof, as garnishee, may be made upon the director of the office of management and budget in the manner provided by law for service in garnishment proceedings, including the fee to be tendered and paid the office of management and budget for making and filing an affidavit of disclosure in the amount of ~~ten~~ twenty-five dollars. The fee ~~shall~~ must be ~~paid into~~ deposited in the state treasury.

SECTION 2. AMENDMENT. Section 32-09.1-10 of the North Dakota Century Code is amended and reenacted as follows:

32-09.1-10. Disclosure fees. In all garnishment proceedings, the plaintiff, when the garnishee summons is served upon the garnishee, shall tender to the garnishee the sum of ~~ten~~ twenty-five dollars as the fee for making an affidavit of disclosure.

SECTION 3. AMENDMENT. Section 32-09.1-14 of the North Dakota Century Code is amended and reenacted as follows:

32-09.1-14. Default. If any garnishee who is duly summoned willfully fails to serve disclosure as required in this chapter, the court, upon proof by affidavit of the creditor, may render judgment against the garnishee for an amount not exceeding the plaintiff's judgment against the defendant or one hundred ten percent of the amount which remains unpaid, whichever is the smaller, ~~but the~~. The creditor shall serve the garnishee with a copy of the affidavit and a notice of intent to take default judgment. The court upon good cause shown may remove the default and permit the garnishee to disclose on terms as may be just.

SECTION 4. LEGISLATIVE COUNCIL STUDY - GARNISHMENT FORMS. During the 2003-04 interim, the legislative council shall consider studying the garnishment forms under North Dakota Century Code chapter 32-09.1, and whether actions may be taken to clarify and simplify the forms and garnishment proceedings. If the study is conducted, the legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1438: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1438 was placed on the Sixth order on the calendar.

Page 12, line 7, replace "164" with "160" and replace "502," with "103."

Page 12, remove line 8

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1450: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1450 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-07 and a new section to chapter 15.1-29 of the North Dakota Century Code, relating to the provision of all grade levels by school districts and the education of students in bordering states."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Provision of all grade levels - Limitation.

1.
 - a. On or before June 30, 2006, each school district in this state shall offer within its boundaries all educational grade levels from one through twelve.
 - b. Any district that fails to comply with subdivision a for a period of one year must become, through a process of reorganization or dissolution, attached to a district that is in compliance with subdivision a.
 - c. This section does not apply to:
 - (1) School districts established under chapter 15.1-08; and
 - (2) School districts cooperating in the joint provision of education services under a plan approved by the superintendent of public instruction.
2. Before the board of a school district may close a school located within the boundary of a district that was required to undergo reorganization or dissolution under subsection 1, the board shall place the question of closing the school on the ballot. The question may be voted upon only by those qualified electors who reside within the boundary of the district that was required to undergo reorganization or dissolution under subsection 1. The board may not close the school unless a majority of the qualified electors voting on the question approve the closure.

SECTION 2. A new section to chapter 15.1-29 of the North Dakota Century Code is created and enacted as follows:

Students residing in school districts not offering all grade levels - Education in bordering states.

1. Notwithstanding any other provision of law, a student may attend school in a bordering state and the student's school district of residence shall pay the tuition in accordance with section 15.1-29-02 if:
 - a. The student resides in a school district that on July 1, 2003, did not offer within its boundaries all educational grade levels from one through twelve;
 - b. The student resides within forty miles [64.37 kilometers] of a bordering state, as measured from the student's home using the most common route of travel; and
 - c. The student notifies the student's school district of residence of the student's intent to attend school in a bordering state.
2.
 - a. The superintendent of public instruction shall forward all state aid payments for any student attending a public school in a bordering state under this section to the student's school district of residence.
 - b. The board of the student's school district of residence may reduce any tuition payment it must make under this section by an amount commensurate with the tuition costs the district would be entitled to receive as compensation for a student from the bordering state enrolled in its school.
 - c. Transportation payments for a student attending school in a bordering state must be determined as provided in section 15.1-27-27.
3. This section does not require a school district of residence to provide transportation or payments in lieu of transportation for a student attending school in a bordering state under this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1458: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1458 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1472: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1472 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1485: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1485 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1494: 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). HB 1494 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "require" with "urge"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1502: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1502 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3001: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3001 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3004: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3004 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3023: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3023 was placed on the Sixth order on the calendar.

Page 1, line 2, after "a" insert "regional dental school in North Dakota within the North Dakota University System and in conjunction with the" and replace "North Dakota" with "Minnesota"

Page 1, line 24, after "pursue" insert "a portion of" and after the semicolon insert "and"

WHEREAS, a regional dental school concept in conjunction with an established dental school may provide students greater exposure to the values and opportunities of a rural dental practice setting;"

Page 2, line 3, after "a" insert "regional dental school in North Dakota within the North Dakota University System and in conjunction with the"

Page 2, line 4, replace "North Dakota" with "Minnesota"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3024: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and

BE PLACED ON THE CONSENT CALENDAR (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3024 was placed on the Tenth order on the calendar.

Page 1, line 2, after "System" insert "and of establishing a joint school of veterinary medicine with surrounding states"

Page 1, line 22, after "System" insert "and of establishing a joint school of veterinary medicine with surrounding states"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3028: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3028 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "delay implementation of the proposed" with "increase funding of the"

Page 1, line 14, replace "Congress is proposing implementation of a Medicare" with "Medicare is implementing an"

Page 1, line 24, replace "delay implementation of the proposed" with "increase" and remove "fee schedule"

Renumber accordingly

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Thursday, February 13, 2003, which motion prevailed.

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

BRADLEY C. FAY, Chief Clerk