

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

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Bismarck, March 19, 2003

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

The prayer was offered by Rev. Steve Sathre, Trinity Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Nottestad and Weisz.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 18, 2003, I have signed the following: HB 1128 and HB 1157.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 19, 2003, I have signed the following: HB 1029, HB 1072, HB 1178, HB 1205, HB 1273, HB 1288, HB 1306, HB 1319, HB 1386, and HB 1436.

**SIXTH ORDER OF BUSINESS**

**REP. BERG MOVED** that the amendments on the Sixth order of business to SB 2217, SB 2296 and SB 2348 be adopted, which motion prevailed.

SB 2217, SB 2296 and SB 2348, as amended, were placed on the Fourteenth order of business on the calendar.

**MOTION**

**REP. BERG MOVED** that SB 2086, which is on the Fourteenth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, SB 2086 was rereferred.

**MOTION**

**REP. BERG MOVED** that SCR 4007, which is on the Fourteenth order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, SCR 4007 was rereferred.

**SECOND READING OF SENATE BILL**

**SB 2193:** A BILL for an Act to amend and reenact section 11 of chapter 535 of the 1999 Session Laws as amended by section 1 of chapter 559 of the 2001 Session Laws, relating to the issuance of bonds for construction of an outlet from Devils Lake.

**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; Guleson; 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; 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; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Nottestad; Weisz

SB 2193 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**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.

**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; Nicholas; Niemeier; Norland; 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; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Nottestad; Weisz

Engrossed SB 2192 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2240:** A BILL for an Act to amend and reenact sections 61-16.1-14, 61-21-45, 61-35-13, and 61-35-88 and subsection 2 of section 61-35-94 of the North Dakota Century Code, relating to bids for water district construction, maintenance, and improvement projects; 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 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; Nicholas; Niemeier; Norland; 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; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Nottestad; Weisz

Engrossed SB 2240 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2299:** A BILL for an Act to amend and reenact sections 37-15-07, 37-15-10.1, and 37-18.1-03 of the North Dakota Century Code, relating to the administrator of the veterans' home and priorities for admission to the veterans' home; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; 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; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Klein, F.; Nottestad; Weisz

Engrossed SB 2299 passed, the title was agreed to, and the emergency clause was declared carried.

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#### MOTION

**REP. BERG MOVED** that HB 2299 be messaged to the Senate immediately, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2346:** A BILL for an Act to create and enact three new sections to chapter 12-63 of the North Dakota Century Code, relating to membership on the peace officers standards and training board, temporary suspensions, and cost of prosecution; to amend and reenact sections 12-62-01, 12-62-01.1, 12-62-02, 12-62-07, 12-62-10, 12-63-01, 12-63-02, 12-63-03, 12-63-04, 12-63-05, 12-63-09, 12-63-10, and 12-63-12 of the North Dakota Century Code, relating to training responsibilities, statistics collection, and the peace officers standards and training board; to repeal sections 12-62-03, 12-62-05, 12-62-06, and 12-62-09 of the North Dakota Century Code, relating to law enforcement training; 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 81 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Belter; Carlson; Delzer; Drovdal; Headland; Iverson; Kempenich; Pollert; Skarphol; Wald; Wrangham

**ABSENT AND NOT VOTING:** Nottestad; Weisz

Engrossed SB 2346 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2361:** A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to an optional contribution by individual income taxpayers for programs and activities conducted by the silver-haired education association; to provide an appropriation; to provide a continuing appropriation; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 39 YEAS, 52 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Carlisle; Delmore; Eckre; Ekstrom; Froelich; Froseth; Glassheim; Gulleon; Hanson; Hawken; Headland; Hunsakor; Johnson, D.; Johnson, N.; Kelsh, S.; Kerzman; Kretschmar; Kroeber; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Weiler; Wikenheiser; Williams; Winrich; Zaiser

**NAYS:** Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovda; Grande; Grosz; Haas; Herbel; Iverson; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Maragos; Martinson; Meier; Monson; Norland; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Wieland; Wrangham; Speaker Wentz

**ABSENT AND NOT VOTING:** Galvin; Nottestad; Weisz

Engrossed SB 2361 lost.

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## SECOND READING OF SENATE BILL

**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.

## 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; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Glassheim; Grande; Grosz; Gulleon; 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; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Galvin; Maragos; Nottestad; Sandvig; Weisz

SB 2281 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

**SB 2329:** 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 mandated treatment for domestic violence offenders; and to amend and reenact sections 12.1-17-01 and 14-07.1-06 of the North Dakota Century Code, relating to mandated treatment of domestic violence offenders and to the violation of a protection order.

## ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Gulleon; 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; 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; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Nottestad; Weisz

Engrossed SB 2329 passed and the title was agreed to.

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

**SB 2364:** A BILL for an Act to create and enact a new subsection to section 50-29-02 and three new subsections to section 50-29-04 of the North Dakota Century Code, relating to duties of the department of human services and coverage under the children's health insurance program; and to amend and reenact section 50-29-01 of the North Dakota Century Code, relating to definitions under the children's health insurance program.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 85 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Boe; Boucher; Kasper; Koppelman; Schmidt; Warner

**NAYS:** Aarsvold; Amerman; Belter; Berg; Bernstein; 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; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Nottestad; Weisz

Engrossed SB 2364 lost.

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

**SB 2379:** A BILL for an Act to provide for a legislative council study of the doctrine of assumption of risk.

#### **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 86 YEAS, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Glassheim; 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; Mueller; Nelson; Nicholas; Niemeier; Norland; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Carlson; DeKrey; Grande; Monson; Skarphol

**ABSENT AND NOT VOTING:** Galvin; Nottestad; Weisz

Engrossed SB 2379 passed and the title was agreed to.

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

**SB 2389:** A BILL for an Act to amend and reenact subsection 1 of section 15.1-27-26 of the North Dakota Century Code, relating to school district transportation payments.

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

**YEAS:** Bellew; Bernstein; Boehning; Carlson; Clark; Delmore; Dosch; Eckre; Grande; Hanson; Hawken; Iverson; Kasper; Kelsh, S.; Koppelman; Kretschmar; Kroeber; Meier; Potter; Ruby; Sandvig; Thoreson; Wieland; Williams; Winrich; Zaiser

**NAYS:** Aarsvold; Amerman; Belter; Berg; Boe; Boucher; Brusegaard; Carlisle; DeKrey; Delzer; Devlin; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grosz; Gulleson; Haas; Headland; Herbel; Hunsakor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kreidt; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Wikenheiser; Wrangham; Speaker Wentz

**ABSENT AND NOT VOTING:** Nottestad; Weisz

Engrossed SB 2389 lost.

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**SECOND READING OF SENATE BILL**

**SB 2407:** A BILL for an Act to amend and reenact section 39-12-05.3 of the North Dakota Century Code, relating to weight limitations on vehicles.

**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 79 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nottestad; Weisz; Zaiser

Engrossed SB 2407 passed and the title was agreed to.

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**FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Reps. D. Johnson, Nicholas and Sen. Traynor introduced:

(Approved by the Delayed Bills Committee)

**HCR 3078:** A concurrent resolution urging the boards of county commissioners of counties in the Devils Lake Basin to provide property tax fairness and property tax relief to landowners whose property has been inundated by rising waters of Devils Lake.

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

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2070, SB 2157, SB 2191, SB 2207, SB 2258, SB 2271, SB 2277, SB 2278, SB 2298, SB 2342, SB 2344, SB 2362, SB 2393.

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

**MR. PRESIDENT:** The House has passed unchanged: SCR 4019.

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

**MR. PRESIDENT:** The House has failed to pass: SB 2315, SB 2349.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2212.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2299.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2242, SB 2251, SB 2320, SB 2330, SB 2340, SB 2415.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1065, HB 1070, HB 1102, HB 1106, HB 1108, HB 1115, HB 1139, and HB 1142.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1148, HB 1186, HB 1279, HB 1343, HB 1348, HB 1362, HB 1378, and HB 1400.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1443 and HB 1503.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1056, HB 1062, HB 1195, HB 1277, HB 1382, HB 1410, HCR 3015, HCR 3060, HCR 3073.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1112, HB 1388.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1112**

Page 3, line 6, overstrike "or" and insert immediately thereafter an underscored comma, after "owned" insert an underscored comma, and after "emergency" insert an underscored comma

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1388**

Page 1, line 1, replace "chapters" with "chapter" and remove "and 51-28"

Page 1, line 2, remove "internet privacy and" and after the semicolon insert "to provide a penalty;"

Page 1, replace lines 8 through 24 with:

1. "Assist the transmission" means actions taken by a person to provide substantial assistance or support that enables any person to formulate, compose, send, originate, initiate, or transmit a commercial electronic mail message when the person providing the assistance knows or consciously avoids knowing that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any practice that violates chapter 51-15.
2. "Commercial electronic mail message" means an electronic mail message sent to promote real property, goods, or services for sale or lease. The term does not mean an electronic mail message to which an interactive computer service provider has attached an advertisement in exchange for free use of an electronic mail account if the sender has agreed to such an arrangement.
3. "Electronic mail address" means a destination, commonly expressed as a string of characters, to which electronic mail may be sent or delivered.
4. "Initiate the transmission" refers to the action by the original sender of an electronic mail message, not to the action by any intervening interactive computer service that may handle or retransmit the message, unless the intervening interactive computer service assists in the transmission of an electronic mail message when the interactive computer service knows, or consciously avoids knowing, that the person initiating the transmission is

engaged, or intends to engage, in any act or practice that violates chapter 51-15.

5. "Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the internet and systems operated or services offered by libraries and educational institutions.
6. "Internet domain name" refers to a globally unique, hierarchical reference to an internet host or service, assigned through centralized internet naming authorities, comprising a series of character strings separated by periods, with the right-most string specifying the top of the hierarchy.

**51-27-02. False or misleading messages prohibited.**

1. A person may not initiate the transmission, conspire with another to initiate the transmission, or assist the transmission of a commercial electronic mail message from a computer located in this state or to an electronic mail address that the sender knows, or has reason to know, is held by a resident of this state that:
  - a. Uses a third-party's internet domain name without permission of the third party or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or
  - b. Contains false or misleading information in the subject line.
2. For purposes of this section, a person knows that the intended recipient of a commercial electronic mail message is a resident of this state if that information is available, upon request, from the registrant of the internet domain name contained in the recipient's electronic mail address.

**51.27-03. Unpermitted or misleading electronic mail - Violation of consumer protection law.**

1. It is a violation of chapter 51-15 to conspire with another person to initiate the transmission or to initiate the transmission of a commercial electronic mail message that:
  - a. Uses a third-party's internet domain name without permission of the third party or otherwise misrepresents or obscures any information in identifying the point of origin or the transmission path of a commercial electronic mail message; or
  - b. Contains false or misleading information in the subject line.
2. It is a violation of chapter 51-15 to assist in the transmission of a commercial electronic mail message if the person providing the assistance knows, or consciously avoids knowing, that the initiator of the commercial electronic mail message is engaged, or intends to engage, in any act or practice that violates chapter 51-15.

**51-27-04. Subject disclosure - Violation of consumer protection law.**

1. The subject line of a commercial electronic mail message must include "ADV" as the first characters. If the message contains information that consists of material of a sexual nature that may only be viewed by an individual eighteen years of age or older, the subject line of the message must include "ADV-ADULT" as the first characters.
2. For purposes of this section, a commercial electronic mail message does not include a message if the recipient has consented to receive or has solicited electronic mail messages from the initiator, from an organization using electronic mail to communicate exclusively with its members, from an entity which uses electronic mail to communicate exclusively with its employees or contractors, or if there is a business or personal relationship between the initiator and the recipient.



3. For purposes of this section, a business relationship means a prior or existing relationship formed between the initiator and the recipient, with or without an exchange of consideration, on the basis of an inquiry, application, purchase, or services offered by the initiator or an affiliate or agent of the initiator. "Affiliate" means a person that directly or indirectly controls, is controlled by, or is under common control with a specified person.
4. It is a violation of chapter 51-15 to conspire with another person to initiate the transmission or to initiate the transmission of a commercial electronic mail message that violates this section.

**51-27-05. Toll-free number.**

1. A sender initiating the transmission of a commercial electronic mail message shall establish a toll-free telephone number, a valid sender-operated return electronic mail address, or another easy-to-use electronic method that the recipient of the commercial electronic mail message may call or access by electronic mail or other electronic means to notify the sender not to transmit any further unsolicited commercial electronic mail messages. The notification process may include the ability for the commercial electronic mail messages recipient to direct the initiator to transmit or not transmit particular commercial electronic mail messages based upon products, services, divisions, organizations, companies, or other selections of the recipient's choice.
2. A commercial electronic mail message must include a statement informing the recipient of a toll-free telephone number that the recipient may call, or a valid return address to which the recipient may write or access by electronic mail or another electronic method established by the initiator, notifying the sender not to transmit to the recipient any further unsolicited commercial electronic mail messages to the electronic mail address specified by the recipient, and explaining the manner in which the recipient may specify what commercial electronic mail messages the recipient does and does not want to receive.

**51-27-06. Violations - Damages.**

1. Damages to the recipient of a commercial electronic mail message sent in violation of this chapter are five hundred dollars, or actual damages, whichever is greater.
2. Damages to an interactive computer service resulting from a violation of this chapter are one thousand dollars, or actual damages, whichever is greater.

**51-27-07. Blocking of commercial electronic mail by interactive computer service - Immunity from liability.**

1. An interactive computer service may block the receipt or transmission through its service of any commercial electronic mail that it reasonably believes is, or will be, sent in violation of this chapter.
2. An interactive computer service may not be held liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any commercial electronic mail which it reasonably believes is, or will be, sent in violation of this chapter.

**51-27-08. Nonexclusive causes of action, remedies, and penalties.** The remedies, duties, prohibitions, and penalties of this chapter are not exclusive and are in addition to all other causes of action, remedies, and penalties in chapter 51-15 or otherwise provided by law.

**51-27-09. Relationship to federal law.** If any federal law is enacted that regulates false, misleading, or unsolicited commercial electronic mail messages, but does not preempt state law on the subject, the federal law supersedes any conflicting provision of this chapter.

**SECTION 2. EXPIRATION DATE.** The governor shall certify to the legislative council the effective date of any federal legislation that preempts state regulation of

false, misleading, or unsolicited commercial electronic mail messages. This Act becomes ineffective upon the effective date contained in the certification of federal legislation that preempts state regulation of false, misleading, or unsolicited commercial electronic mail messages."

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 24

Renumber accordingly

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1215.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1305, HB 1411.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2419.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2068, SB 2180, and SB 2252.

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

**MR. SPEAKER:** The President has signed: HB 1046, HB 1081, HB 1093, HB 1100, HB 1143, HB 1145, HB 1270, HB 1276, HB 1355, HCR 3077.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2053, SB 2063, SB 2084, SB 2107, SB 2109, SB 2138, SB 2156, SB 2169, SB 2177, SB 2185, SB 2204, SB 2214, SB 2231, SB 2238, SB 2267, SB 2269, SB 2272, SB 2280, SB 2287, SB 2318, SB 2332, SB 2383, SB 2388, SCR 4020, SCR 4025, SCR 4035.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on March 19, 2003: HCR 3077.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 19, 2003: HB 1046, HB 1081, HB 1093, HB 1100, HB 1143, HB 1145, HB 1270, HB 1276, HB 1355.

**REPORT OF STANDING COMMITTEE**

**SB 2044: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (20 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2044 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2061, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2061 was placed on the Sixth order on the calendar.

Page 1, line 6, after "in" insert "an"

Page 15, after line 27, insert:

"3. Agreements to arbitrate between and among insurers and self-insured entities which explicitly renounce a right of appeal are fully enforceable in

this state. This chapter does not alter those agreements to create a right of appeal."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2074: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (17 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING). SB 2074 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2148, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2148 was placed on the Sixth order on the calendar.

Page 4, line 15, replace "a member," with "an", remove the second underscored comma, and replace "volunteer" with "a member of the gaming committee"

Page 5, line 18, overstrike "one" and insert immediately thereafter "two" and after "thousand" insert "five hundred"

Page 5, line 19, overstrike "six" and insert immediately thereafter "twelve"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2259, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2259 was placed on the Sixth order on the calendar.

Page 2, line 16, overstrike "one" and insert immediately thereafter "two" and after "million" insert "five hundred thousand"

Page 2, line 17, overstrike "for taxable years beginning after"

Page 2, overstrike lines 18 through 26

Page 2, line 27, overstrike "of the initial limit" and after the period insert "A renaissance fund organization that has received investments that qualify for these additional credits under this subsection may not use more than fifty percent of such investments for organization investments outside of a renaissance zone."

Page 3, line 17, overstrike "net"

Page 3, line 18, overstrike "after December 31, 2000,"

Page 3, line 19, after "chapter" insert ", including the use of investments, distinguishing between organization investments made in renaissance zones and outside renaissance zones" and overstrike "If the audit report shows"

Page 3, overstrike lines 20 through 25

Page 3, line 26, overstrike "invested."

Page 4, line 1, remove "10.", overstrike "A renaissance fund organization may", remove "make investments", and overstrike "in"

Page 4, line 2, overstrike "a", remove "designated renaissance", overstrike "zone", remove "city", and overstrike the period

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2305, as reengrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2305 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and a new section to"

Page 1, line 2, remove "chapter 15.1-27"

Page 1, line 3, remove "and reimbursement for participation"

Page 4, remove lines 1 through 23

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2321: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2321 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2328, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2328 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2365: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2365 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2372: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2372 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4014: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4014 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, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, March 20, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**