

## JOURNAL OF THE HOUSE

## Fifty-ninth Legislative Assembly

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Bismarck, February 14, 2005

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

The prayer was offered by Pastor Roger Gilbert, Capitol Heights Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Bernstein, Froelich, and Norland.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER KLEIN DEEMED** approval of HB 1069, HB 1148, HB 1169, HB 1172, HB 1181, HB 1224, HB 1239, HB 1254, HB 1271, HB 1276, HB 1279, HB 1342, HB 1361, HB 1367, HB 1370, HB 1398, HB 1399, HB 1417, HB 1467, HB 1476, HB 1479, HB 1485, HB 1493, HB 1494 and HB 1502.

HB 1069, HB 1148, HB 1169, HB 1172, HB 1181, HB 1224, HB 1239, HB 1254, HB 1271, HB 1276, HB 1279, HB 1342, HB 1361, HB 1367, HB 1370, HB 1398, HB 1399, HB 1417, HB 1467, HB 1476, HB 1479, HB 1485, HB 1493, HB 1494 and HB 1502, as amended, were placed on the Eleventh order of business on the calendar.

## MOTION

**REP. MONSON MOVED** that SB 2405 be returned to the House floor from the **Agriculture Committee** and be rereferred to the **Transportation Committee**, which motion prevailed.

## FIRST READING OF SENATE CONCURRENT RESOLUTION

**SCR 4020:** A concurrent resolution urging the President of the United States and the United States Secretary of Agriculture to continue the ban on importing cattle from Canada until a full and complete investigation of Canadian feeding methods and supplies can be conducted and methods for determining risk designations can be reviewed and evaluated.

Was read the first time.

## MOTION

**REP. MONSON MOVED** that the rules be suspended, that SCR 4020 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. Klein, Bowman, Urlacher and Reps. Belter, Kreidt, Pollert introduced:

## ENGROSSED SENATE CONCURRENT

A concurrent resolution urging the President of the United States and the United States Secretary of Agriculture to continue the ban on importing cattle from Canada until a full and complete investigation of Canadian feeding methods and supplies can be conducted and methods for determining risk designations can be reviewed and evaluated.

**WHEREAS**, the cattle industry in the United States is concerned about the plan to reopen the border to live animal imports from Canada in March 2005; and

**WHEREAS**, the cattle industry in the United States is concerned about the two animals that tested positive for bovine spongiform encephalopathy, including one beef cow that was born after the 1997 feed ban; and

**WHEREAS**, recent tests of feed samples in Canada indicated the presence of animal proteins; and

**WHEREAS**, further testing is needed to determine the extent of ruminant animal byproducts in feed supplies; and

**WHEREAS**, the United States Secretary of Agriculture must identify the country of origin, as opposed to the continent of origin, of the animals that tested positive for bovine spongiform encephalopathy; and

**WHEREAS**, the United States Secretary of Agriculture must study the scientific methods used to determine and define risk categories for countries within which bovine spongiform encephalopathy is known to exist;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-ninth Legislative Assembly urges the President of the United States and the United States Secretary of Agriculture to continue the ban on importing cattle from Canada until a full and complete investigation of Canadian feeding methods and supplies can be conducted and methods for determining risk designations can be reviewed and evaluated, and to open the border with Canada at such time as the opening of our export markets; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the President of the United States, the United States Secretary of Agriculture, and to each member of the North Dakota Congressional Delegation.

#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4020:** A concurrent resolution urging the President of the United States and the United States Secretary of Agriculture to continue the ban on importing cattle from Canada until a full and complete investigation of Canadian feeding methods and supplies can be conducted and methods for determining risk designations can be reviewed and evaluated.

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

SCR 4020 was declared adopted on a voice vote.

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

**HB 1311:** A BILL for an Act to provide an appropriation for eligible school districts receiving reduced amounts of state aid.

#### **ROLL CALL**

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hawken; Headland; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Hanson; Herbel; Ruby

**ABSENT AND NOT VOTING:** Bernstein; Froelich; Norland

HB 1311 passed and the title was agreed to.

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

**HB 1383:** A BILL for an Act to create and enact a new subsection to section 5-01-01 of the North Dakota Century Code, relating to definitions for the purpose of sale and consumption of alcoholic beverages; to amend and reenact sections 5-02-05 and 5-02-09 of the North Dakota Century Code, relating to the sale and consumption of alcoholic beverages; 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 63 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Devlin; Dietrich; Drovdal; Ekstrom; Galvin; Glassheim; Gulleon; Haas; Hanson; Hawken; Headland; Horter; Iverson; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Mueller; Nelson; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Ruby; Sandvig; Svedjan; Thoreson; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser

**NAYS:** Bellew; Belter; Brandenburg; Damschen; Delzer; Dosch; Froseth; Grande; Herbel; Hunskor; Johnson, D.; Keiser; Kerzman; Kingsbury; Meier, L.; Monson; Nicholas; Pollert; Price; Rennerfeldt; Schmidt; Sitte; Skarphol; Solberg; Thorpe; Timm; Uglen; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Froelich; Norland

Engrossed HB 1383 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1374:** A BILL for an Act to create and enact a new chapter to title 15.1 of the North Dakota Century Code, relating to school district programs for English language learners.

#### ROLL CALL

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

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew; Damschen; Skarphol

**ABSENT AND NOT VOTING:** Bernstein; Froelich; Norland

HB 1374 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1445:** A BILL for an Act to provide for a transfer from the health care trust fund.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Froelich; Norland

HB 1445 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1511:** A BILL 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.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Skarphol

**ABSENT AND NOT VOTING:** Bernstein; Froelich

HB 1511 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1351:** A BILL for an Act to provide for the secretary of state to study the state's incorporation system.

**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, 92 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Froelich

HB 1351 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1447:** A BILL for an Act to amend and reenact section 20.1-04-07 of the North Dakota Century Code, relating to weapons allowable for the taking of wild turkeys.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 87 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Hunskor; Kerzman; Schmidt; Solberg

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Sitte;

Skarphol; Svedjan; Thoreson; Thorpe; Uglen; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Froelich; Timm

HB 1447 lost.

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### SECOND READING OF HOUSE BILL

**HB 1451:** A BILL for an Act to amend and reenact subsection 3 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis and preferential landowner licenses to hunt deer.

### 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, 92 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Froelich

HB 1451 lost.

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### SECOND READING OF HOUSE BILL

**HB 1483:** A BILL for an Act to amend and reenact section 26.1-20-05 of the North Dakota Century Code, relating to title insurance title opinions.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 75 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Brandenburg; Froelich; Hunsakor; Iverson; Kerzman; Pietsch; Pollert; Potter; Schmidt; Solberg; Svedjan; Thoreson; Thorpe; Wald; Wieland; Zaiser

**NAYS:** Aarsvold; Amerman; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Porter; Price; Rennerfeldt; Ruby; Sandvig; Sitte; Skarphol; Timm; Uglen; Vigesaa; Wall; Weiler; Weisz; Williams; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein

HB 1483 lost.

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### MOTION

**REP. BERG MOVED** that the House stand in recess for ten minutes, which motion prevailed.

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

**SECOND READING OF HOUSE BILL**

**HB 1389:** A BILL for an Act to amend and reenact subsections 1, 2, and 3 of section 53-06.2-11 of the North Dakota Century Code, relating to bet payoff formulas; 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 81 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pollert; Porter; Potter; Price; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew; Belter; Brandenburg; Damschen; Delzer; Devlin; Kingsbury; Pietsch; Rennerfeldt; Ruby; Skarphol; Weiler

**ABSENT AND NOT VOTING:** Bernstein

Reengrossed HB 1389 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1121:** A BILL for an Act to create and enact a new section to chapter 14-09 and chapter 14-20 of the North Dakota Century Code, relating to the termination of parental rights and the Uniform Parentage Act; to amend and reenact section 12.1-31-05, subsection 1 of section 14-15-05, subsection 1 of section 14-15-11, section 14-19-05, and subsection 5 of section 23-02.1-13 of the North Dakota Century Code, relating to parentage determinations; to repeal sections 14-09-01, 14-09-02, and 14-09-03, chapters 14-17 and 14-18, and sections 14-19-02, 14-19-03, 14-19-04, 14-19-09, and 14-19-10 of the North Dakota Century Code, relating to the legitimacy of children, the Uniform Parentage Act, the Uniform Status of Children of Assisted Conception Act, and paternity acknowledgment; and to provide for transition.

**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; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew

**ABSENT AND NOT VOTING:** Bernstein

Engrossed HB 1121 passed and the title was agreed to.

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**MOTION**

**REP. MONSON MOVED** that HB 1157, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1157 was rereferred.

**MOTION**

**REP. MONSON MOVED** that HB 1473, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1473 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1380:** A BILL for an Act to amend and reenact section 57-15-26.2 of the North Dakota Century Code, relating to vector control district 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 45 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Boehning; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Dietrich; Ekstrom; Froelich; Glassheim; Grande; Haas; Hawken; Headland; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsh, S.; Kerzman; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Nottestad; Onstad; Pietsch; Potter; Sandvig; Thoreson; Wall; Wieland; Williams; Zaiser

**NAYS:** Amerman; Bellew; Belter; Boe; Boucher; Brandenburg; Brusegaard; Carlisle; Damschen; Delzer; Devlin; Dosch; Drovda; Froseth; Galvin; Gulleeson; Hanson; Herbel; Horter; Hunsakor; Kelsch, R.; Kempenich; Kingsbury; Kreidt; Martinson; Meier, L.; Nelson; Norland; Owens; Pollert; Porter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Timm; Uglem; Vigasaa; Wald; Weiler; Weisz; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein

Engrossed HB 1380 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1484:** A BILL for an Act to amend and reenact section 12-60-16.6 of the North Dakota Century Code, relating to the dissemination of criminal history record information.

**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 89 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** DeKrey; Kingsbury; Weisz

**ABSENT AND NOT VOTING:** Bernstein; Kerzman

Engrossed HB 1484 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1505:** A BILL for an Act to amend and reenact subsection 9 of section 12.1-32-02 of the North Dakota Century Code, relating to sentencing alternatives; and to repeal section 62.1-02-12 of the North Dakota Century Code, relating to the purchase of certain firearms from another state.

**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; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemmin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein

Engrossed HB 1505 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1520:** A BILL for an Act to create and enact a new subsection to section 39-16-03.1 of the North Dakota Century Code, relating to driver record abstract; to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to an underage person in a licensed premises with alcoholic beverages; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemmin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew; Delzer; Froelich; Horter

**ABSENT AND NOT VOTING:** Bernstein

Engrossed HB 1520 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1173:** A BILL for an Act to create and enact three new subsections to section 35-34-01 and two new sections to chapter 50-09 of the North Dakota Century Code, relating to collection of child support; and to amend and reenact section 14-09-09.10, subsection 1 of section 14-09-09.34, sections 28-21-05.2, 35-34-02, 35-34-05, 35-34-08, 35-34-09, and 35-34-10, subsection 2 of section 50-09-08.6, and subsection 1 of section 50-09-32 of the North Dakota Century Code, relating to collection of child support.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.;



Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Uglen; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew; Charging; Delzer; Maragos; Pollert; Timm

**ABSENT AND NOT VOTING:** Bernstein

Engrossed HB 1173 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1496:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 and a new section to chapter 57-43.2 of the North Dakota Century Code, relating to a sales and use tax exemption for sales of hydrogen and production, storage, and transportation equipment used by a facility engaged in hydrogen generation and a special fuels tax exemption for the sale of hydrogen; to provide an effective date; and 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 91 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Skarphol

**ABSENT AND NOT VOTING:** Berg; Bernstein

Engrossed HB 1496 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1189:** A BILL for an Act to create and enact a new subsection to section 20.1-02-05 and a new section to chapter 20.1-02 of the North Dakota Century Code, relating to establishing a private land access program; to provide an appropriation; 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 86 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Amerman; Damschen; Froelich; Kerzman; Meyer, S.; Skarphol

**ABSENT AND NOT VOTING:** Bernstein; Ekstrom

Engrossed HB 1189 passed and the title was agreed to.

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

**HB 1404:** A BILL for an Act to amend and reenact subsection 1 of section 57-51-15 of the North Dakota Century Code, relating to oil and gas gross production tax allocations to the oil and gas impact grant fund; 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 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Bellew; Damschen

**ABSENT AND NOT VOTING:** Bernstein; Norland

Engrossed HB 1404 passed and the title was agreed to.

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

**HB 1506:** A BILL for an Act to amend and reenact section 65-05-19 of the North Dakota Century Code, relating to providing nondependency payments in certain workforce safety and insurance cases; and to provide for retroactive application.

### **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, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Damschen; Porter; Ruby

**ABSENT AND NOT VOTING:** Bernstein

Engrossed HB 1506 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1441:** A BILL for an Act to amend and reenact subsections 2 and 3 of section 12.1-32-15 of the North Dakota Century Code, relating to the registration requirements of certain offenders

**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 1 YEA, 91 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Solberg

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Boe

HB 1441 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1475:** A BILL for an Act to create and enact a new section to chapter 43-23 of the North Dakota Century Code, relating to real estate salesperson licenses for business organizations.

**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; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein

HB 1475 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1070:** A BILL for an Act to create and enact a new section to chapter 39-03.1 and a new section to chapter 54-52 of the North Dakota Century Code, relating to supplemental payments to retirees under the highway patrolmen's retirement system and the public employees retirement system; and to amend and reenact subsection 2 of section 39-03.1-11 and subsection 2 of section 54-52-17 of the North Dakota Century Code, relating to calculation of final average salary under the highway patrolmen's retirement system and the public employees retirement system.

**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; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein

HB 1070 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1071:** A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to acceptance and expenditure of funds by the retirement board for the uniform group insurance program from third parties; to amend and reenact sections 54-52.1-04 and 54-52.1-04.2 of the North Dakota Century Code, relating to bid negotiations for the health insurance plan and self-insurance and the development of a uniform group insurance program-specific health care provider network; and to provide a continuing appropriation.

**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, 63 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Charging; Conrad; Ekstrom; Froelich; Glassheim; Gulleon; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Klemin; Kroeber; Maragos; Metcalf; Meyer, S.; Mueller; Onstad; Owens; Potter; Sandvig; Schmidt; Sitte; Solberg; Thorpe; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Grande; Haas; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein

HB 1071 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1244:** A BILL for an Act to provide for leave for veterans on veterans' day.

**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 27 YEAS, 65 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Gulleon; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Williams; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin;

Grande; Haas; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Monson; Nelson; Nicholas; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Wrangham

HB 1244 lost.

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### SECOND READING OF HOUSE BILL

**HB 1315:** A BILL for an Act to amend and reenact section 28-24-02 of the North Dakota Century Code, relating to redemption.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Delzer; Weisz

**ABSENT AND NOT VOTING:** Bernstein

HB 1315 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1331:** A BILL for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to weed control on land used for organic farming.

### 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 1 YEA, 91 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Brandenburg

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Maragos

HB 1331 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1338:** A BILL for an Act to amend and reenact sections 20.1-01-17, 20.1-01-18, 20.1-01-19, and 20.1-01-20 of the North Dakota Century Code, relating to hunting on private lands.

**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 24 YEAS, 69 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Boe; Brusegaard; Damschen; DeKrey; Delzer; Froelich; Galvin; Herbel; Kaldor; Kempenich; Kerzman; Kingsbury; Kreidt; Meyer, S.; Onstad; Owens; Potter; Rennerfeldt; Sandvig; Skarphol; Weisz; Zaiser; Speaker Klein

**NAYS:** Aarsvold; Amerman; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Delmore; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Klemm; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Ruby; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham

**ABSENT AND NOT VOTING:** Bernstein

HB 1338 lost.

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**MOTION**

**REP. MONSON MOVED** that the House stand in recess until 4:30 p.m., which motion prevailed.

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

**SECOND READING OF HOUSE BILL**

**HB 1352:** A BILL for an Act to amend and reenact section 43-01-15.1 of the North Dakota Century Code, relating to apportionment of abstractor fees.

**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 28 YEAS, 61 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Conrad; Damschen; Delmore; Ekstrom; Froelich; Glassheim; Gulleson; Hawken; Johnson, D.; Kaldor; Kelsh, S.; Kroeber; Meyer, S.; Mueller; Nelson; Nicholas; Onstad; Owens; Potter; Schmidt; Solberg; Williams; Wrangham; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; DeKrey; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Grande; Haas; Hanson; Headland; Herbel; Horter; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Monson; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Delzer; Hunskor; Kerzman; Metcalf

HB 1352 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1356:** A BILL for an Act to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to group deer hunting.

**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 19 YEAS, 73 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Boe; Boucher; DeKrey; Devlin; Dietrich; Froelich; Grande; Guleson; Herbel; Horter; Kaldor; Kerzman; Ruby; Skarphol; Timm; Vigesaa

**NAYS:** Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Haas; Hanson; Hawken; Headland; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Uglem; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Hunskor

HB 1356 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1369:** A BILL for an Act to amend and reenact sections 57-05-01 and 57-05-08 of the North Dakota Century Code, relating to valuation and assessment of railroad property for property tax purposes; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 65 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Brandenburg; Brusegaard; Damschen; Delmore; Ekstrom; Froelich; Glassheim; Guleson; Hanson; Johnson, D.; Kaldor; Kerzman; Kingsbury; Kretschmar; Kroeber; Maragos; Meyer, S.; Mueller; Nicholas; Onstad; Schmidt; Solberg; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Grande; Haas; Hawken; Headland; Herbel; Horter; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klemin; Koppelman; Kreidt; Martinson; Meier, L.; Metcalf; Monson; Nelson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Hunskor

HB 1369 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1388:** A BILL for an Act to amend and reenact section 20.1-01-21 of the North Dakota Century Code, relating to hunting near occupied buildings.

**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 19 YEAS, 72 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Brusegaard; Damschen; DeKrey; Drovdal; Froelich; Guleson; Haas; Kaldor; Keiser; Kempenich; Kerzman; Meyer, S.; Schmidt; Solberg; Williams

**NAYS:** Bellew; Belter; Berg; Boehning; Carlisle; Carlson; Charging; Clark; Conrad; Delmore; Delzer; Devlin; Dietrich; Dosch; Ekstrom; Froseth; Galvin; Glassheim; Grande; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber;

Maragos; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Brandenburg; Hunskor

HB 1388 lost.

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### SECOND READING OF HOUSE BILL

**HB 1421:** A BILL for an Act to amend and reenact subsection 2 of section 28-32-15 of the North Dakota Century Code, relating to the effective date of administrative rules; 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 52 YEAS, 40 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brusegaard; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dosch; Froelich; Froseth; Galvin; Grande; Headland; Iverson; Kasper; Keiser; Kempenich; Kerzman; Koppelman; Kreidt; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglen; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham

**NAYS:** Aarsvold; Amerman; Boe; Boucher; Brandenburg; Carlisle; Conrad; Delmore; Dietrich; Drovdal; Ekstrom; Glassheim; Gulleeson; Haas; Hanson; Hawken; Herbel; Horter; Johnson, D.; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, S.; Kingsbury; Klemin; Kretschmar; Kroeber; Maragos; Martinson; Nicholas; Nottestad; Onstad; Owens; Pietsch; Potter; Schmidt; Solberg; Thorpe; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Hunskor

HB 1421 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1428:** A BILL for an Act to amend and reenact section 49-09-04.2 of the North Dakota Century Code, relating to the sale of railroad right of way.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 87 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Brandenburg; Damschen; Headland; Pollert; Wrangham

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson; Hawken; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Hunskor

HB 1428 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1440:** A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the legislative council state-tribal relations committee; and to provide an expiration 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 37 YEAS, 53 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Brusegaard; Conrad; Delmore; Devlin; Ekstrom; Froelich; Glassheim; Gulleson; Hawken; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsh, S.; Kerzman; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mueller; Nelson; Onstad; Potter; Price; Sandvig; Schmidt; Solberg; Thoreson; Thorpe; Vigesaa; Williams; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Dietrich; Dosch; Drovdal; Froseth; Galvin; Grande; Haas; Hanson; Headland; Herbel; Horter; Iverson; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Meier, L.; Monson; Nicholas; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Timm; Uglem; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Hunsakor; Maragos; Wald

HB 1440 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1457:** A BILL for an Act to amend and reenact section 15-39.1-27 of the North Dakota Century Code, relating to computation of service credit under the teachers' fund for retirement.

**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; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Hunsakor; Maragos; Wrangham

HB 1457 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1468:** A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to administrative rules committee review of existing administrative rules.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 56 YEAS, 34 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dosch; Drovdal; Froelich; Froseth; Galvin; Grande; Headland; Herbel; Horter; Iverson; Kasper; Kempenich; Kerzman; Koppelman; Kreidt; Meier, L.; Meyer, S.; Monson; Nelson; Nicholas; Norland; Owens; Pietsch; Pollert;

Porter; Price; Rennerfeldt; Ruby; Sandvig; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Boe; Boucher; Carlisle; Conrad; Delmore; Dietrich; Ekstrom; Glassheim; Gulleon; Haas; Hanson; Hawken; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsh, S.; Kingsbury; Klemin; Kretschmar; Kroeber; Martinson; Metcalf; Mueller; Nottestad; Onstad; Potter; Schmidt; Solberg; Thorpe; Williams; Zaiser

**ABSENT AND NOT VOTING:** Bernstein; Hunskor; Kelsch, R.; Maragos

HB 1468 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1469:** A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to expiration of administrative rules; and to amend and reenact subsection 1 of section 28-32-02 of the North Dakota Century Code, relating to specific statutory directives for rulemaking authority of administrative agencies; 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 4 YEAS, 86 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Grande; Koppelman; Pollert; Sandvig

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Hunskor; Kelsch, R.; Maragos

HB 1469 lost.

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### SECOND READING OF HOUSE BILL

**HB 1490:** A BILL for an Act to amend and reenact subdivision c of subsection 1 of section 38-14.1-27 of the North Dakota Century Code, relating to surface coal mining maps.

### 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, 83 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boucher; Gulleon; Kelsh, S.; Thorpe; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Bernstein; Boe; Hunskor; Kelsch, R.

HB 1490 lost.

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**REPORT OF STANDING COMMITTEE**

**HB 1507: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1507 was placed on the Sixth order on the calendar.

Page 2, after line 3, insert:

- "2. Shall submit proof of satisfactory completion of an examination on home inspection offered by the American society of home inspectors, the national association of certified home inspectors, the examination board of professional home inspectors, or the international code council;"

Page 2, line 4, replace "2." with "3." and after "coverage" insert "in an amount of fifty thousand dollars or more covering all home inspection activities"

Page 2, line 5, replace "3." with "4."

Page 2, remove lines 24 through 27

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1509: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1509 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and to amend and reenact" with "to provide a penalty; and to provide an effective date."

Page 1, remove lines 3 and 4

Page 1, remove lines 6 through 17

Page 1, remove the underscore under lines 20 through 23

Page 2, remove the underscore under lines 1 through 30

Page 3, remove the underscore under lines 1 through 21

Page 3, after line 21, insert:

**"Internet live poker advisory commission - Duties - Compensation - Restrictions - Penalty.**

1. The North Dakota internet live poker advisory commission is composed of five members, three of whom are selected by the chairman of the legislative council and two of whom are selected by the attorney general. The term of office is three years, expiring on December thirty-first with no more than two terms expiring in any one year. Of the first members appointed, one must be appointed for a term of one year, two must be appointed for terms of two years, and two must be appointed for terms of three years. No member may be appointed to more than two consecutive terms. Each member of the commission must be a citizen of the United States and a resident of this state. A chairman of the commission must be chosen annually from the membership of the commission by a majority of its members at the first meeting of the commission each year.
2. The commission shall meet at least once a quarter and any additional meetings as the chairman determines necessary. Special meetings may be called by the chairman upon the written request of the director or any three members of the commission.
3. The commission shall advise the attorney general in the establishment of policy for the operation of internet live poker.

4. Members of the commission who are not state employees are entitled to be compensated at a rate of seventy-five dollars per day and are entitled to mileage and expenses as provided by law for state officers and employees. A state employee who is a member of the commission must receive that employee's regular salary and is entitled to mileage and expenses, to be paid by the employing agency.
5. No member of the advisory commission or any individual residing in the same household as the member may directly or indirectly, individually, as a member of a partnership or other association, or as a stockholder, director, or officer of a corporation, have an interest in a business that contracts for the operation or promotion of internet live poker establishments regulated and licensed under this chapter. A knowing violation of this section is a class B misdemeanor.

**Penalty.**

1. Any person who willfully operates an internet live poker establishment or site without a license as required by this chapter or who willfully operates a licensed internet poker establishment or site in violation of this chapter or of rules adopted by the attorney general to implement this chapter is guilty of a class C felony.
2. Any individual playing internet live poker at any site licensed under this chapter who willfully violates this chapter or rules adopted by the attorney general to implement this chapter or who plays without first obtaining a license from the attorney general in that individual's name is guilty of a class B misdemeanor.

**Internet live poker records - Confidential.** All records and information with respect to the licensure and operation of internet live poker establishments and with respect to the identity of live internet poker players are confidential. The records and information may be disclosed within the attorney general's office or to authorized persons in the proper administration of this chapter or in accordance with a judicial order.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on the date the secretary of state certifies to the legislative council that House Concurrent Resolution No. 3035, as adopted by the fifty-ninth legislative assembly, has been approved by the voters."

Renumber accordingly

**MOTION**

**REP. BERG MOVED** that they suspend the rules and place HB 1507 and HB 1509 on the Sixth Order, which motion prevailed.

**SIXTH ORDER OF BUSINESS**

**SPEAKER KLEIN DEEMED** approval of HB 1507 and HB 1509.

HB 1507 and HB 1509, as amended, were rereferred to the **Appropriations Committee**.

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

**MR. PRESIDENT:** The House has passed unchanged: SCR 4020.

**MOTION**

**REP. MONSON MOVED** that the absent members 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., Tuesday, February 15, 2005, which motion prevailed.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Reps. Metcalf, Haas, Hawken and Sens. Brown, Hacker, Robinson introduced:

**HCR 3046:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing early childhood education programs.

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

Reps. Metcalf, Damschen, Mueller, Pollert, Uglem and Sen. Lyson introduced:

**HCR 3047:** A concurrent resolution directing the Legislative Council to study sentencing alternatives with an emphasis on the expanded use of rehabilitation over incarceration, the provision of more treatment options, and the adequate funding of treatment programs.

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

Reps. Kretschmar, Maragos introduced:

**HCR 3048:** A concurrent resolution for the amendment of section 24 of article X of the Constitution of North Dakota, relating to expenditures from the foundation aid stabilization fund.

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

Reps. Kretschmar, Maragos introduced:

**HCR 3049:** A concurrent resolution for the amendment of section 22 of article X of the Constitution of North Dakota, relating to expenditures from the resources trust fund.

Was read the first time and referred to the **Constitutional Revision Committee**.

#### FIRST READING OF SENATE BILLS

**SB 2033:** A BILL for an Act to create and enact a new section to chapter 15.1-29 of the North Dakota Century Code, relating to the enrollment and provision of services to elementary and high school students placed by out-of-state agencies or entities; and to amend and reenact section 15.1-29-14 of the North Dakota Century Code, relating to elementary and high school student residency determinations.

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

**SB 2074:** A BILL for an Act to create and enact three new sections to chapter 6-09.4 of the North Dakota Century Code, relating to changing the name of the municipal bond bank to the public finance authority and authorizing the authority to issue bonds on behalf of other state bonding entities; and to amend and reenact sections 6-09.4-01, 6-09.4-03, 6-09.4-04, 6-09.4-05, 6-09.4-05.1, 6-09.4-06, 6-09.4-07, 6-09.4-08, 6-09.4-09, 6-09.4-10, 6-09.4-11, 6-09.4-12, 6-09.4-14, 6-09.4-15, 6-09.4-16, 6-09.4-17, 6-09.4-18, 6-09.4-19, 6-09.4-20, 6-09.4-21, 6-09.4-22, 6-09.4-23, 21-02-11, and 21-03-30, subsection 7 of section 26.1-05-19, subdivision I of subsection 2 of section 28-32-01, subsection 9 of section 40-33.3-06, sections 54-01-27 and 54-17-36, subsection 1 of section 61-28.1-12, and subsections 2 and 3 of section 61-28.2-01 of the North Dakota Century Code, relating to changing the name of the municipal bond bank to the public finance authority and to use of the reserve fund.

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

**SB 2082:** A BILL for an Act to create and enact a new section to chapter 43-01 of the North Dakota Century Code, relating to the temporary certification of an abstracter to work in a county that has no certified abstracter; and to amend and reenact sections 43-01-15.1 and 43-01-16 of the North Dakota Century Code, relating to the furnishing of limited abstracts upon request and the cancellation of an abstracter's certificate.

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

**SB 2117:** A BILL for an Act to amend and reenact sections 14-02.4-02, 14-02.4-14, 14-02.4-20, and 14-02.4-23 of the North Dakota Century Code, relating to department of labor discriminatory practices proceedings.

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

**SB 2164:** A BILL for an Act to amend and reenact sections 6-08-16 and 6-08-16.2 of the North Dakota Century Code, relating to increasing fees and costs for checks issued on closed accounts and accounts with insufficient funds.

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

**SB 2200:** A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to recording devices on motor vehicles; to provide a penalty; and to provide for application.

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

**SB 2252:** A BILL for an Act to amend and reenact subsection 3 of section 23-07.3-01 and subsections 1 and 9 of section 23-07.5-01 of the North Dakota Century Code, relating to notification of exposure to infectious diseases and to human immunodeficiency virus testing.

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

**SB 2268:** A BILL for an Act to provide for a legislative council study of waste rubber recycling and remediation.

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

**SB 2278:** A BILL for an Act to create and enact five new sections to chapter 49-05 of the North Dakota Century Code, relating to public utility rate stability plans.  
Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2304:** A BILL for an Act to amend and reenact section 50-11.1-02 of the North Dakota Century Code, relating to services included within the definition of early childhood services; and to declare an emergency.  
Was read the first time and referred to the **Human Services Committee**.

**SB 2305:** A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to immunity for altered liquified petroleum gas equipment or appliances.  
Was read the first time and referred to the **Judiciary Committee**.

**SB 2345:** A BILL for an Act to amend and reenact section 23-11-05 of the North Dakota Century Code, relating to the compensation of housing authority commissioners.  
Was read the first time and referred to the **Political Subdivisions Committee**.

**SB 2351:** A BILL for an Act to amend and reenact section 65-05-09.4 of the North Dakota Century Code, relating to workers' compensation additional benefits for retired injured employees; and to provide for application.  
Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2370:** A BILL for an Act to amend and reenact subsection 6 of section 11-10-10 of the North Dakota Century Code, relating to the salary of state's attorneys.  
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**SB 2375:** A BILL for an Act relating to a unified system of credential qualifications between North Dakota and Minnesota.  
Was read the first time and referred to the **Education Committee**.

#### **FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4001:** A concurrent resolution authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.  
Was read the first time and referred to the **Appropriations Committee**.

**SCR 4024:** A concurrent resolution urging Congress and the Secretary of the United States Department of the Interior to provide funding for United Tribes Technical College.  
Was read the first time and referred to the **Education Committee**.

**SCR 4027:** A concurrent resolution directing the Legislative Council to study the need for dementia-related services, standards, and practices for caregivers and funding for programs and services for individuals with dementias.  
Was read the first time and referred to the **Human Services Committee**.

#### **REPORT OF STANDING COMMITTEE**

**HB 1029: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (15 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). HB 1029 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HB 1030: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1030 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 authorize and restrict local authority to regulate the smoking of tobacco products in the workplace; to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to the smoking of tobacco products in state-owned or state-leased buildings; to amend and reenact section 34-06-03 of the North Dakota Century Code, relating to the authority of the labor commissioner to regulate the smoking of tobacco products in the workplace; and to provide for application.

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

**SECTION 1. AMENDMENT.** Section 34-06-03 of the North Dakota Century Code is amended and reenacted as follows:

**34-06-03. Commissioner may adopt standards by rule.**

1. The commissioner may ascertain and prescribe by rule:
  - ~~4-~~ a. Standards of hours of employment for employees and what are unreasonably long hours for employees in any occupation within this state.
  - ~~2-~~ b. Standards of conditions of labor for employees in any occupation within this state and what surroundings or conditions, sanitary or otherwise, are detrimental to the health or morals of employees in any such occupation.
  - ~~3-~~ c. Standards of minimum wages for employees in any occupation in this state.
  - ~~4-~~ d. Standards of minimum wages for minors in any occupation within this state and what wages are unreasonably low for any such minor workers.
2. Notwithstanding subsection 1, the commissioner may not adopt rules with respect to restrictions on the smoking of tobacco products in the workplace.

**SECTION 2. Local authority - Smoking restrictions - Exceptions.** The governing body of a political subdivision may adopt, by resolution, ordinance, or order, regulations regarding the smoking of tobacco products in the workplace. The governing body may not adopt regulations with respect to the smoking of tobacco products in tobacco retail stores, livestock auction markets, truckstops, or in or on the grounds of hospitals licensed under chapter 23-16.

**SECTION 3.** A new section to chapter 54-06 of the North Dakota Century Code is created and enacted as follows:

Smoking prohibited in or near state buildings - Exceptions. Except for the buildings and grounds of any hospital operated by the state and buildings and grounds under the control of the state board of higher education, the smoking of tobacco products in buildings owned or leased by the state and on the grounds of those buildings is prohibited.

**SECTION 4. APPLICATION.** Section 2 of this Act applies to ordinances, resolutions, and orders in effect on the effective date of this Act or after the effective date of this Act."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1220: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1220 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 20.1-01 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to the use of lighted sight pins while bow hunting, and to"

Page 1, remove lines 6 through 9

Page 1, line 17, after the underscored period insert "However, an individual who is blind and who receives a special permit to hunt game with a crossbow under this subsection may hunt only on a preserve or area approved by the director."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1272: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1272 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commission" insert "; and to provide for a legislative council study"

Page 1, line 16, after the period insert "An individual is not eligible to be a member of the wheat commission if that individual requested a refund under section 4-28-07 during the three-year period before the date on which the term sought by the individual would commence. This ineligibility does not apply to an individual who requested a refund because of an overpayment, as provided in subdivision c of subsection 2 of section 4-28-07."

Page 1, line 22, after the underscored period insert "A member of the wheat commission is not eligible to receive a refund under section 4-28-07; however, a member may request a refund because of an overpayment, as provided in subdivision c of subsection 2 of section 4-28-07. The commission shall declare a member's position vacant if the member fails to attend two consecutive commission meetings."

Page 2, line 29, after "reasonable" insert ", except that a producer may vote only in the producer's county of residence"

Page 3, line 8, after the period insert "To be eligible to hold the position of county representative, an individual must be actively engaged in the production of wheat. A county representative who elects not to plant wheat for one growing cycle may continue to serve as a county representative if the individual continues to be actively involved in farming. If a county representative elects not to plant wheat for more than one growing cycle, the member is deemed to have resigned and the commission shall declare the member's position vacant."

Page 3, after line 19, insert:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying, during the 2005-06 interim, the feasibility and desirability of revising the process for appointing or electing individuals to the North Dakota wheat commission. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1292: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1292 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1312: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1312 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 32-19 of the North Dakota Century Code, relating to deficiency judgments on agricultural land; and to amend and reenact section 32-19-06 of the North Dakota Century Code, relating to foreclosures of real estate mortgages.

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

**SECTION 1. AMENDMENT.** Section 32-19-06 of the North Dakota Century Code is amended and reenacted as follows:

**32-19-06. What judgment must contain** ~~—Deficiency judgments and other suits prohibited in excess of amount by which debt exceeds fair value of mortgaged premises—Determination of fair value of mortgaged real property.~~ In any action for the foreclosure of a real estate mortgage ~~or the cancellation of the~~



~~foreclosure of a land contract, the court may shall render judgment for the amount found to be due at the time of the rendition of the judgment, and the costs of the action; and may shall order and decree a sale of the premises described in the mortgage or contract or that part thereof as may be sufficient to pay the amount adjudged to be due and the costs of the action. The court may order and compel delivery of the possession of the premises to the purchaser at the sale, but in no case may the possession of the premises sold be delivered until after the expiration of the one-year redemption period unless otherwise allowed ordered by the court pursuant to section 32-19-19. The court shall direct, and the judgment must provide; that during the redemption period the debtor or owner of the premises is entitled to the possession, rents, use, and benefit of the real property sold except as provided by section 32-19-19. The court may not render a deficiency judgment for any sum whatever against the mortgagor or purchaser, or the successor in interest of either, except as hereinafter provided. Where a note or other obligation and a mortgage upon real property have been given to secure a debt contracted after July 1, 1951, and the sale of the mortgaged premises has failed to satisfy in full the sum adjudged to be due and the costs of the action, the plaintiff may, in a separate action, ask for a deficiency judgment, if the plaintiff has so indicated in the complaint, against the party or parties personally liable for that part of the debt and costs of the action remaining unsatisfied after the sale of the mortgaged premises. The separate action for a deficiency judgment must be brought within ninety days after the sale of the mortgaged premises. The court, in the separate action, may render a deficiency judgment against the party or parties personally liable, but the deficiency judgment may not be in excess of the amount by which the sum adjudged to be due and the costs of the action exceed the fair value of the mortgaged premises. In case the mortgaged premises sell for less than the amount due and to become due on the mortgaged debt and costs of sale, there is no presumption that the premises sold for their fair value. In all actions brought for a deficiency judgment and before any judgment can be rendered therein, the determination of the fair value of the mortgaged premises must first be submitted to a jury at a regular term or to a jury impaneled for that purpose, and no deficiency judgment may be rendered against the party or parties personally liable unless the fair value of the mortgaged premises is determined by the jury to be less than the sum adjudged to be due and the costs of the action. Fifteen days' notice of the time and place when or where the fair value of the mortgaged premises is to be determined must, in all cases, be given, as the court may direct, to the party or parties against whom personal judgment is sought. At that time and place the party or parties may offer evidence to show the fair value of the mortgaged premises even though they may not have otherwise appeared in the action for a deficiency judgment. Any deficiency judgment obtained must be enforced by execution as provided by law, except that no execution may be enforced after three years from the date of the rendition of the deficiency judgment. The mortgagee or vendor or the successor in interest of either is not permitted or authorized either before or after the rendition of a judgment for the foreclosure of a real estate mortgage or the cancellation or the foreclosure of a land contract, if the mortgage or contract was made after July 1, 1951, to bring any action in any court in this state for the recovery of any part of the debt secured by the mortgage or contract so foreclosed or canceled in excess of the amount by which the debt and the costs of the action exceed the fair value of the mortgaged premises. The fair value must be determined by a jury in the same manner as the fair value is determined in cases where a deficiency judgment is sought in an action to foreclose the mortgage and such judgment must be enforced by execution as provided by law except that the execution may not be enforced after three years after the date of the rendition of the judgment.~~

**SECTION 2.** A new section to chapter 32-19 of the North Dakota Century Code is created and enacted as follows:

Deficiency judgments on agricultural land. If the complaint in an action to foreclose on agricultural land of more than forty acres [16.19 hectares] has provided for a deficiency judgment, a separate action for the deficiency must be brought within ninety days after the sheriff's sale. In the separate action, a deficiency judgment may be entered, but may not be in excess of the amount by which the sum adjudged to be due and the cost of the action exceed the fair market value of the mortgaged premises. There is not a presumption that the premises sold for the fair market value. The court may not render a deficiency judgment unless the fair market value as determined by the court is less than the sum adjudged to be due and costs of the action. Fifteen days' notice of the time and place for determination of fair market value must be given to all parties against whom personal judgment is sought. Any party may offer evidence to show the fair market value even though the party may not have otherwise appeared in the action for a deficiency judgment. Any deficiency judgment obtained may be enforced only by execution within three years from the date of entry of the judgment. As used in this section, "fair market value" means the most probable price that real

property can be sold for in the open market by a willing seller to a willing buyer, neither acting under compulsion and both exercising reasonable judgment."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1322: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1322 was placed on the Sixth order on the calendar.

Page 1, line 3, after "exploration" insert "; and to provide an expiration date"

Page 2, line 29, replace "any" with "the primary"

Page 3, line 3, replace "seven" with "thirty"

Page 3, after line 4, insert:

**"SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2007, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1343: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HB 1343 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "state, department," with "governor, game and fish department, and game and fish department employees and representatives may not disseminate information in any form, including oral, written, published, or electronic form, or advise any member of the public that it is legal to hunt or trespass on nonposted private land. The department and the department's employees and representatives may advise members of the public that entering nonposted private land may subject them to civil trespass and any associated civil liability and penalties."

Page 1, remove lines 7 through 9

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1344: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1344 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new subsection to section 47-30.1-16.1 of the North"

Page 1, remove line 2

Page 1, line 3, remove "Act; and to"

Page 2, line 6, replace "If the person for whom the account is" with "A name or unnamed interest-bearing account, trust account, escrow account, or any similar type of account that has been in existence for three years is deemed to be abandoned property and must be treated as abandoned property under chapter 47-30.1."

Page 2, remove lines 7 through 16

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1373, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (18 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1373 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1377: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1377 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "; and to amend and reenact section 44-08-01 of the North Dakota Century" with "and rejection of bids."

Page 1, remove line 4

Page 1, remove lines 6 through 23

Page 2, remove lines 1 through 16

Page 2, replace lines 19 through 27 with:

**"State contracts - Performance of work outside the United States - Notice - Preference.**

1. A vendor submitting a bid or proposal to provide services for a state agency, department, or institution shall include a statement in the bid or proposal indicating whether the services covered by the bid or proposal will be performed in the United States.
2. If, during the term of a contract with a state agency, department, or institution, a contractor or subcontractor intends to transfer work under the contract outside the United States, the contractor or subcontractor shall provide written notice to the agency, department, or institution within ninety days before the intended transfer or within such time as specified by the contract that the work is being transferred outside the United States. The notice must include a summary of the work that will be performed outside the United States and a disclosure of the location where the work will be performed. The contracting agency, department, or institution shall respond in writing within thirty days of the receipt of the notice of intent to transfer the work, stating its approval or disapproval of the intended transfer. If the contracting agency, department, or institution does not approve the request to allow the transfer, the agency, department, or institution may terminate the contract.
3. If two or more bids or proposals are received that are substantially equal, the office of management and budget or any other state agency, department, or institution authorized to accept bids for any service shall give preference to a bidder that indicates that the work will be performed in the United States.
4. The office of management and budget or any other state entity authorized to accept bids for any service may reject the bid of a bidder that indicates that the work will be performed outside the United States if it appears to be in the best interest of the state to have the work performed within the United States."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1400: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1400 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "the director"

Page 1, line 12, overstrike "of the parks and recreation department" and insert immediately thereafter "a representative of the North Dakota university system with expertise in plant science appointed by the state commissioner of higher education, three members of the natural resources community with expertise in wildlife biology, land management, or natural area identification and conservation" and overstrike "the state"

Page 1, line 13, overstrike "forester,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1408, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1408 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1426: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1426 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "indicating" with "stating that", replace "to" with "of", and after "body" insert "is at taxpayer expense"

Page 1, line 17, remove "either" and remove ", or the"

Page 1, remove lines 18 through 20

Page 1, line 21, remove "available in printed form upon request"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1439: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1439 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 43-32-01, 43-32-03, 43-32-07, 43-32-08, 43-32-08.1, 43-32-08.2, 43-32-12, 43-32-13, 43-32-14, 43-32-17, 43-32-19, 43-32-20, 43-32-20.1, 43-32-23, 43-32-25, 43-32-26, 43-32-27, 43-32-27.1, 43-32-30, and 43-32-32 of the North Dakota Century Code, relating to North Dakota state board of psychologist examiners licensure of industrial-organizational psychologists; to provide a penalty; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Section 43-32-01 of the North Dakota Century Code is amended and reenacted as follows:

##### **43-32-01. Definitions.**

1. "Board" means the North Dakota state board of psychologist examiners.
2. "Industrial-organizational psychologist" means an individual who is licensed under this chapter to engage in the practice of industrial-organizational psychology.
3. "Industrial-organizational psychology" means the provision of psychological research services or consultation services to a group or an organization. The term does not include the delivery or supervision of services to individuals who are themselves, rather than the group or organization, the intended beneficiaries of the services, regardless of the source or extent of payment for services rendered.
4. "Licensee" means an industrial-organizational psychologist or a psychologist.
5. "Practice of psychology" means the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The term includes psychological testing and the evaluation or assessment of

personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychotherapy, and other therapeutic techniques based on psychological principles; diagnosis and treatment of mental and emotional disorder or disability, compulsive disorders, disorders of habit or conduct as well as of the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. The term includes providing psychological services to individuals, families, groups, and the public regardless of whether payment is received for services rendered.

- 3- 6. "Psychologist" means an individual who is licensed under this chapter in the practice of psychology.
- 4- 7. "Psychology resident" means an individual who has received from ~~an accredited~~ a school or college a doctorate degree in a program of study substantially psychological in nature, and who is involved in supervised psychological employment.
- 5- 8. "School or college" means any university or other institution of higher learning ~~that which~~ is accredited by a regional accrediting association, offering a full-time graduate course of study in industrial-organizational psychology or psychology.

**SECTION 2. AMENDMENT.** Section 43-32-03 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-03. Tenure of members - Vacancies and oath of office.** The term of office of each member of the board is three years and until a successor is appointed and qualified. The governor shall fill all vacancies by appointment. In case of a vacancy before the expiration of a term, the appointment must be for the remainder of the term only. ~~A person~~ An individual appointed to the board qualifies by taking the oath required of civil officers.

**SECTION 3. AMENDMENT.** Section 43-32-07 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-07. Meetings of board - Seal of board.** The board shall hold at least one regular meeting each year. Additional meetings may be held upon call of the president or at the written request of the governor or of any two members of the board. The meetings must be held at such places as the board may designate. The board ~~shall~~ must have a seal.

**SECTION 4. AMENDMENT.** Section 43-32-08 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-08. Rules and regulations.** The board may, ~~from time to time,~~ adopt ~~such rules and regulations not inconsistent with law, as may be necessary to enable it~~ the board to carry into effect the provisions of this chapter, ~~which~~. The rules may include a code of ethics for ~~psychologists in the state~~ licensees. The board shall adopt rules defining what programs of study are substantially psychological in nature; what educational programs are acceptable for the licensing of psychologists; and what educational programs are acceptable for the licensing of industrial-organizational psychologists. The educational program rules for industrial-organizational psychologists must take into account the availability of professionally accredited programs in the field of industrial-organizational psychology.

**SECTION 5. AMENDMENT.** Section 43-32-08.1 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-08.1. Continuing education requirements.** The board shall adopt rules establishing requirements for the continuing education of ~~psychologists~~ licensees. The board may refuse to renew, suspend, revoke, or place on probationary status any license issued under this chapter if the licensee fails to meet applicable continuing education requirements. Applicants for accreditation of continuing education courses, classes, or activities may be charged a reasonable fee determined by the board.

**SECTION 6. AMENDMENT.** Section 43-32-08.2 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-08.2. Continuing education requirements - Renewal.** Absent a showing of good cause, the board may not renew a license issued under this chapter without proof the continuing education requirements ~~established by rule of the board~~ under section 43-32-08.1 have been met. ~~A person~~ An individual whose license is not renewed because of failure to meet the continuing education requirements must be reinstated and the license renewed if, within one year from the date of nonrenewal, the ~~person~~ individual demonstrates to the secretary of the board the continuing education requirements have been satisfied ~~and~~, pays the renewal fee, and pays a late fee to be determined by rule of the board.

**SECTION 7. AMENDMENT.** Section 43-32-12 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-12. Application and license fee.** The board shall adopt rules establishing the amount of the application fee for licensing licensure by written and oral examination and by reciprocity must be determined by regulation of the board. ~~No~~ A fee is not refundable, in whole or in part, except for failure of the board to hold examinations at the time originally announced, in which event the entire fee must be refunded upon demand by the applicant.

**SECTION 8. AMENDMENT.** Section 43-32-13 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-13. Annual license and fee.** Before January first of each year, every ~~licensed psychologist in the state~~ licensee shall pay to the secretary of the board an annual license fee determined by the board not to exceed one hundred dollars. The secretary of the board, upon receipt of payment of the annual license fee ~~by a person licensed under this chapter~~, shall issue the licensee a certificate of annual license. ~~A person~~ An individual may not hold out as an industrial-organizational psychologist or a licensed psychologist until the annual license fee is paid. The board may deny renewal of the license of a ~~person~~ an individual who violates this section. Annually, the board shall mail a renewal notice to ~~all licensed psychologists~~ each licensee at the address on file with the board.

**SECTION 9. AMENDMENT.** Section 43-32-14 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-14. Payment of delinquent license fees - Reinstatement.** ~~A person who has been a licensed psychologist in this state~~ An individual whose license issued under this chapter ~~and whose license has been~~ was revoked for failure to pay the annual license fee must be reinstated and the license renewed if, within one year from the date of revocation, the ~~person~~ individual pays to the secretary of the board the amount of the annual license fees in default and a late fee in the amount of twenty dollars.

**SECTION 10. AMENDMENT.** Section 43-32-17 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-17. License required for practice - Titles.**

1. Except as otherwise provided by under this chapter, ~~no individual~~ a person may not engage in the practice of psychology or represent that ~~individual~~ person to be a psychologist in this state ~~after August 1, 1993~~, unless that person is an individual who has obtained from the board a license to do so who is licensed as a psychologist under this chapter. Except as otherwise provided by this chapter, a person may not engage in the practice of industrial-organizational psychology or represent that person to be an industrial-organizational psychologist in this state unless that person is an individual who is licensed as a psychologist or an industrial-organizational psychologist under this chapter.
2. A psychologist may use the title "psychologist" or similar title in conjunction with the practice of psychology. An industrial-organizational psychologist may use the title "industrial psychologist", "organizational psychologist", "industrial-organizational psychologist", "IO psychologist", or similar title in conjunction with the practice of industrial-organizational psychology. An industrial-organizational psychologist may not use the title "psychologist" or similar title representing that the individual is licensed as a psychologist.

**SECTION 11. AMENDMENT.** Section 43-32-19 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-19. Licensing of ~~psychologists~~ applicants from other states.** Upon receipt of an application accompanied by the required fee, the board, ~~without written or oral examination,~~ may issue a license to any ~~person~~ individual who at the time of application furnishes evidence satisfactory to the board that the applicant is licensed or certified as a psychologist or industrial-organizational psychologist by a similar board of another state ~~whose the standards, in the opinion of which the board,~~ determines are not lower than those required ~~by under~~ this chapter.

**SECTION 12. AMENDMENT.** Section 43-32-20 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-20. Licensing - Written and oral examination - Qualifications of applicants.** The board shall issue a license to each applicant who files an application upon a form and in a manner the board prescribes, submits the required fee, and demonstrates to the board that the applicant: meets the requirements of subsection 1 or 2.

1. An applicant for licensure as a psychologist shall demonstrate the applicant:
  - a. Will adhere to the American psychological association ethical principles of psychologists and code of conduct, 1992, or revised editions if adopted by the board by rule.
  - 2- b. Has received from an accredited school or college as defined by this chapter a doctorate degree in a program of studies substantially psychological in nature.
  - 3- c. Has passed the examinations, written or, oral, or both, as the board deems determines necessary.
  - 4- d. Has completed at least two full years of supervised professional experience, one year of which must be an internship program, and one year of which must be postdoctoral. Both years of experience must comply with the board's rules.
2. An applicant for licensure as an industrial-organizational psychologist shall demonstrate the applicant:
  - a. Will adhere to the American psychological association ethical principles of psychologists and code of conduct, 1992, or revised editions if adopted by the board by rule.
  - b. Has received from a school or college a doctorate degree in a program of studies substantially psychological in nature.
  - c. Has passed the examinations, written, oral, or both, as the board determines necessary.
  - d. Has completed the professional experience requirements established by the board. The requirements may not exceed the professional experience requirements for psychologists. If the professional experience requirements include a supervised experience requirement:
    - (1) The board must allow an applicant to submit to the board a personalized plan for supervised experience which may include distance-supervision by a qualified industrial-organizational psychologist.
    - (2) The board may adopt rules to establish who is qualified to perform supervision, supervision requirements, and reporting.

**SECTION 13. AMENDMENT.** Section 43-32-20.1 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-20.1. Postdoctoral supervised psychological employment.**

- 4- This section applies to postdoctoral supervised psychological employment. Supervision may only be performed by ~~a licensed~~ psychologist with a competency in supervision in professional psychology in the area of practice being supervised.
- 2- Supervision of an applicant for psychologist licensure ~~as a licensed psychologist~~ must include at least two hours of regularly scheduled direct supervision a week for full-time employment, one hour of which must be with the supervisor on a one-to-one basis. The remaining hour may be with other mental health professionals designated by the supervisor. The board may approve an exception to the weekly supervision requirement for a week ~~when~~ during which the supervisor was ill or otherwise unable to provide supervision. The board may prorate the two hours per week of supervision for ~~persons~~ individuals preparing for licensure on a part-time basis.
- 3- The board may adopt rules regarding postdoctoral psychology supervision requirements and reporting.

**SECTION 14. AMENDMENT.** Section 43-32-23 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-23. Scope and grading of examination.** The board shall determine the subject and scope of specialized psychological areas and techniques for examination. Written examinations may be supplemented by ~~such~~ oral examinations as the board may determine necessary. The board shall determine an acceptable level of performance for each examination and a majority decision of the board is required for the issuing of a license. ~~To ensure impartiality, the written examination must be identified by numbers and no paper may be marked in the name of any applicant, but must be anonymously graded by the board.~~

**SECTION 15. AMENDMENT.** Section 43-32-25 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-25. Retention of examination records.** The board shall keep the written examination ~~papers and score report~~, an accurate recording of the questions and answers relating to the oral examinations, and the grade assigned to each answer thereof as a part of ~~its~~ the board's records for at least two years ~~subsequent to following~~ the date of the examination. In addition, the board shall keep a permanent record of all written examination score reports.

**SECTION 16. AMENDMENT.** Section 43-32-26 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-26. Issuance and display of license.** The board is the sole agency empowered to examine competence in the practice of psychology. ~~Such~~ A license certificate issued by the board must show the full name of the licensee, have a serial number ~~and~~, be signed by the president of the board, and ~~be~~ attested by the secretary under the board's adopted seal. The license issued by the board under ~~the provisions of this chapter~~ must be prominently displayed at the principal place of business ~~where~~ at which the psychologist licensee practices.

**SECTION 17. AMENDMENT.** Section 43-32-27 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-27. Denial - Revocation or suspension of license - Grounds.**

1. The board, after notice ~~and~~, hearing, and ~~by~~ an affirmative vote of at least a majority of board members, may withhold, deny, revoke, or suspend any ~~psychologist~~ license issued or applied for under this chapter, ~~or and may~~ otherwise discipline a ~~licensed psychologist, licensee or an applicant~~ upon proof the applicant or ~~licensed psychologist licensee~~:
  - a. Has been convicted of an offense determined by the board to have a direct bearing upon ~~a person's~~ an individual's ability to serve the public as a psychologist or industrial-organizational psychologist, or ~~when if~~ the board finds, after the conviction of any offense, that a ~~person~~ an individual is not sufficiently rehabilitated under section 12.1-33-02.1.



- b. Is using any narcotic or alcoholic beverage to an extent or in a manner dangerous to the ~~psychologist applicant or licensee~~, any other person, or the public, or to an extent that the use impairs the ~~psychologist's applicant's or licensee's~~ ability to perform the ~~work of a professional psychologist practice of psychology or industrial-organizational psychology~~ with safety to the public.
  - c. Has impersonated another ~~person~~ individual holding a psychology or industrial-organizational psychology license or allowed another person to use the ~~psychologist's licensee's~~ license.
  - d. Has used fraud or deception in applying for a license or in taking an examination under this chapter.
  - e. Has allowed the ~~psychologist's licensee's~~ name or license issued under this chapter to be used in connection with any person who performs psychological services outside of the area of that person's training, experience, or competence.
  - f. Is legally adjudicated insane or mentally incompetent. The record of the adjudication is conclusive evidence of that fact.
  - g. Has engaged in any form of unethical conduct as defined in ethical principles of psychologists and code of conduct as adopted and published by the American psychological association, 1992, or revised editions if adopted by the board by rule.
  - h. Has become grossly negligent in the practice of ~~the profession~~ psychology or industrial-organizational psychology.
  - i. Has willfully or negligently violated this chapter.
  - j. Has engaged in an act in violation of rules adopted by the board.
2. ~~A person~~ An individual whose license has been revoked under this section may reapply for ~~licensing~~ licensure after two years have elapsed from the date of revocation.

**SECTION 18. AMENDMENT.** Section 43-32-27.1 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-27.1. Complaints - Investigations.**

- 1. A person aggrieved by the actions of a ~~psychologist licensed under this chapter~~ licensee may file a written complaint with the board citing the specific allegations of misconduct by the ~~psychologist~~ licensee. The board shall notify the ~~psychologist~~ licensee of the complaint and request a written response from the ~~psychologist~~ licensee.
- 2. The board may investigate a complaint on ~~its~~ the board's own motion, without requiring the identity of the complainant to be made a matter of public record, if the board concludes that good cause exists for preserving the confidentiality of the complainant.
- 3. A ~~psychologist~~ licensee who is the subject of an investigation by the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any reasonable question raised by or on behalf of the board relating to the subject of the investigation; and providing copies of patient or client records ~~when~~ if reasonably requested by the board and accompanied by the appropriate release.
- 4. In order to pursue an investigation, the board may subpoena and examine witnesses and records, including patient ~~and client~~ records, and ~~may~~ copy, photograph, or take samples ~~of the records~~. The board may require the ~~licensed psychologist~~ licensee to give statements under oath, to submit to a physical or psychological examination, or both, by a physician or other qualified evaluation professional selected by the board, if requiring an examination is in the best interest of the public. The ~~patient and client~~ records released to the board are not public records.

5. Unless a patient or client release is on file allowing the release of information at the public hearing, patient and client records acquired by the board in ~~its~~ the board's investigation are confidential and closed to the public. All board meetings at which patient or client testimony or records are taken or reviewed are confidential and closed to the public. If ~~no~~ patient or client testimony or records are not taken or reviewed, the remainder of the meeting is an open meeting unless a specific exemption is otherwise applicable.

**SECTION 19. AMENDMENT.** Section 43-32-30 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-30. Persons exempt from this chapter.** This chapter does not apply to:

1. Any ~~person~~ individual in the employ of any federal, state, county or municipal agency, or other political subdivision, or any nonprofit corporation or educational institution presently chartered by this state, insofar as the activities and services of the ~~person~~ individual are a part of the duties of the person's office or position with such agency, nonprofit corporation, or institution. This exemption is not available or effective after July 1, 2001. However, the exemption period may be extended by the board in individual cases where hardship or other good cause is shown by the agency, nonprofit corporation, or institution covered, or where the ~~person~~ individual affected has received from a school or college a master's degree in psychology and the ~~person's individual's~~ individual's activities and services with such agency, nonprofit corporation, or institution are performed under the supervision of a ~~licensed~~ licensed psychologist. After reviewing the exemption under this subsection, the board and the department of human services shall review their definitions and rules for a master's degree in psychology as used in their own credential requirements.
2. A student or intern pursuing a course of study in psychology or industrial-organizational psychology at a school or college, if the activities and services are a part of the ~~person's individual's~~ individual's supervised course of study, provided the student or intern does not use the title "psychologist" or "industrial-organizational psychologist" and the student or intern status is clearly stated.
3. A nonresident licensed or certified in the state of the ~~person's individual's~~ individual's residence who does not practice psychology or industrial-organizational psychology in this state for a period of more than thirty days in any calendar year.
4. A lecturer, from any school or college, who uses an academic or research title when lecturing to institutions or organizations. However, the lecturer may not engage in the practice of psychology or industrial-organizational psychology unless the lecturer is licensed ~~to practice psychology in this state under this chapter.~~
5. ~~A person~~ An individual employed by a public school ~~and whose~~ if that individual's activities and services are restricted to the practice of psychology in the district or service unit of employment. This exemption applies only ~~when~~ if the ~~person~~ individual has received a master's degree in school psychology from an accredited graduate training program. Standards must be established by mutual consent of the board and the superintendent of public instruction.
6. A person certified, licensed, or registered in this state in another health care profession, ~~whose~~ the scope of practice of which is consistent with the accepted standards of that person's profession and who does. A person claiming an exemption under this subsection may not represent to be rendering psychological services.
7. An applicant licensed to practice psychology or industrial-organizational psychology in another jurisdiction, pending disposition of the applicant's application in this state, if the applicant notifies the board on a form provided by the board of the applicant's intent to practice pending disposition of the application and the applicant adheres to the requirements of this chapter and the rules adopted by the board.

8. A person employed by an agency, a nonprofit corporation, or an institution ~~who if that person is currently exempt from licensure. A person exempt under this subsection~~ continues to be exempt if the person continues employment in the same position with the agency, nonprofit corporation, or institution that applied for and received the exemption.
9. A ~~psychologist~~ psychology resident performing services supervised as provided under section 43-32-20.1.

**SECTION 20. AMENDMENT.** Section 43-32-32 of the North Dakota Century Code is amended and reenacted as follows:

**43-32-32. Drugs - Medicine.** ~~Nothing in this chapter~~ This chapter may not be construed as permitting ~~psychologists licensed under this chapter~~ a licensee to administer or prescribe drugs, or in any manner engage in the practice of medicine as defined by the laws of this state.

**SECTION 21. EFFECTIVE DATE.** Section 10 of this Act becomes effective on January 1, 2006."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1448: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1448 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "**Animal**" with "**Premises and animal**" and replace "Any information created," with:

- "1. Except as provided in subsection 2, the following information is confidential and not subject to the open records requirements of section 44-04-18:
  - a. Any information created, collected, or maintained by the state veterinarian or the North Dakota stockmen's association regarding premises or animal identification;
  - b. The name and address of the owner of the premises or of any animals identified under this section; and
  - c. The name and address of the lessee of any premises or of any animals identified under this section.
2. The state veterinarian may not release any information designated as confidential under subsection 1 except:
  - a. Upon the written consent of every person identified or identifiable by the information;
  - b. In accordance with federal law for the purpose of a national animal identification program;
  - c. To any state or federal agency for the purposes of animal disease control and animal disease traceback;
  - d. To the attorney general and any other law enforcement agency pursuing a criminal investigation; or
  - e. Pursuant to an order issued by a court upon a showing of good cause.
3. This section does not preclude the exchange of information between the state veterinarian and the North Dakota stockmen's association.
4. A violation of this section is subject to section 44-04-21.2. For purposes of applying section 44-04-21.2, "public entity" includes any person that has contracted with the state for the provision of services related to the premises or animal identification program."

Page 1, remove lines 7 through 14

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1464: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1464 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 44-04 of the North Dakota Century Code, relating to information in feedlot permits.

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

**SECTION 1.** A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

**Animal feeding operation record requests.** The state department of health shall keep a written record of each individual who requests information and the type of information requested regarding an animal feeding operation permit. Within seven business days of receiving the request, the department shall provide written notice to the owner and operator of the animal feeding operation describing the type of information that has been requested and the name and address of the requester. If an individual makes inquiries on more than three files in any one request, the department shall charge the individual a fee sufficient to cover the cost of mailing the notice to the owners and operators whose files are being examined and a reasonable fee for copying the records. If only the name and address is requested from any single or group of files, notification of the owner or operator of the animal feeding operation is not required."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1478, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (14 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HB 1478 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1492: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1492 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 4-05.1-05 of the North Dakota Century Code, relating to feral hemp seed.

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

**SECTION 1. AMENDMENT.** Section 4-05.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**4-05.1-05. North Dakota state university main research center.** The North Dakota state university main research center must be located on the campus of North Dakota state university of agriculture and applied science. The center is the administrative location of the agricultural experiment station. The center shall conduct research and coordinate all research activities of the agricultural experiment station. ~~The center may, if allowed under federal law, conduct baseline research, including production and processing in conjunction with the research and extension centers of the state, regarding industrial hemp and other alternative industrial use crops.~~ The research must have, as a purpose, the development and dissemination of technology important to the production and utilization of food, feed, fiber, and fuel from crop and livestock enterprises. The research must provide for an enhancement of the quality of life, sustainability of production, and protection of the environment. The center may

conduct baseline research, including production and processing in conjunction with the research and extension centers of the state, regarding industrial hemp and other alternative industrial use crops. The center may collect feral hemp seed stock and develop appropriate adapted strains of industrial hemp which contain less than three-tenths of one percent tetrahydrocannabinol in the dried flowering tops. The agriculture commissioner shall monitor the collection of feral hemp seed stock and industrial hemp strain development and shall certify appropriate stocks for licensed commercial cultivation."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1517: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1517 was placed on the Sixth order on the calendar.

Page 1, line 1, after "57-02-01" insert "and subdivision a of subsection 15 of section 57-02-08"

Page 1, line 3, after "purposes" insert "and property exempt from taxation"

Page 1, line 11, after the period insert "Agricultural property includes land on which a greenhouse or other building is located if the land is used for a nursery or other purpose associated with the operation of the greenhouse."

Page 2, replace lines 3 through 12 with:

**"SECTION 2. AMENDMENT.** Subdivision a of subsection 15 of section 57-02-08 of the North Dakota Century Code is amended and reenacted as follows:

- a. All farm structures and improvements located on agricultural lands.
  - (1) This subsection must be construed to exempt farm buildings and improvements only, and may not be construed to exempt from taxation industrial plants, or structures of any kind not used or intended for use as a part of a farm plant, or as a farm residence.
  - (2) "Farm buildings and improvements" includes a greenhouse or other building used primarily for the growing of horticultural or nursery products from seed, cuttings, or roots, if not used on more than an occasional basis for a showroom for the retail sale of horticultural or nursery products. A greenhouse or building used primarily for display and sale of grown horticultural or nursery products is not a farm building or improvement.
  - (3) Any structure or improvement used primarily in connection with a retail or wholesale business other than farming, any structure or improvement located on platted land within the corporate limits of a city, or any structure or improvement located on railroad operating property subject to assessment under chapter 57-05 is not exempt under this subsection. For purposes of this paragraph, "business other than farming" includes processing to produce a value-added physical or chemical change in an agricultural commodity beyond the ordinary handling of that commodity by a farmer prior to sale.
  - ~~(3)~~ (4) The following factors may not be considered in application of the exemption under this subsection:
    - (a) Whether the farmer grows or purchases feed for animals raised on the farm.
    - (b) Whether animals being raised on the farm are owned by the farmer.
    - (c) Whether the farm's replacement animals are produced on the farm.

- (d) Whether the farmer is engaged in contract feeding of animals on the farm."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1518: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1518 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide an effective date;"

Page 3, line 28, remove "to:"

Page 3, line 29, remove "a. Contract" and overstrike "for market maintenance and development services, utilization"

Page 3, line 30, overstrike "research, transportation research, and education;"

Page 3, line 31, remove "b. To address" and overstrike "domestic policy issues; and"

Page 4, line 1, remove "c. To engage" and overstrike "in other related activities," and insert immediately thereafter "to contract for activities related to domestic wheat policy issues, wheat production, promotion, and sales. The contracts may be"

Page 4, after line 8, insert:

**"SECTION 3. EFFECTIVE DATE.** The increase in the levy imposed by section 2 of this Act applies to all sales occurring from and after the day of the next calendar quarter occurring at least thirty days after the effective date of this Act."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3005: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3005 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "seek information identifying state-owned real estate and" and replace "land" with "real estate"

Page 1, line 2, replace "land" with "real estate"

Page 1, line 3, after "establish" insert "and maintain" and replace "land" with "real estate"

Page 1, line 5, replace "land" with "real estate"

Page 1, line 6, replace "land" with "real estate"

Page 1, line 8, replace "land" with "real estate"

Page 1, line 10, replace "land" with "real estate"

Page 1, line 11, after the first "the" insert "best" and replace "property" with "real estate"

Page 1, line 13, replace the first "lands" with "real estate" and replace "these lands" with "this real estate"

Page 1, line 17, after "Council" insert "seek information from state agencies and institutions identifying state-owned real estate and" and replace "land" with "real estate"

Page 1, line 18, replace "land" with "real estate" and replace "an" with "and maintain a detailed"

Page 1, line 19, replace "land" with "real estate"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3015: Political Subdivisions Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (7 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HCR 3015 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3019: Natural Resources Committee (Rep. Nelson, 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 3019 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "and urging" with ", complimenting"

Page 1, line 4, replace "to take appropriate action" with "on their efforts, and urging them to continue their actions"

Page 2, line 8, replace "and urges" with ", compliments" and replace "to take appropriate action" with "on their efforts, and urges them to continue their actions"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3023: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3023 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3024: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3024 was placed on the Sixth order on the calendar.

Page 1, after line 19, insert:

"**BE IT FURTHER RESOLVED**, that the Fifty-ninth Legislative Assembly is supportive of all efforts to grant Taiwan official observer status at the World Health Assembly because Taiwan has had substantial achievements in the field of health, Taiwan has been a collaborative partner of the United States on a wide range of public health issues, and Taiwan can have a major regional and even global impact on people's health and well-being; and"

Page 1, line 21, after the first comma insert "the United States Secretary of State," and after the second comma insert "the United States Secretary of Health and Human services,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3027: Natural Resources Committee (Rep. Nelson, 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 3027 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "the upper portion of" and replace the second "the" with "all water users, including municipal, rural, irrigation, and industrial, complimenting the Governor and the Attorney General on their efforts, and urging them to continue their actions"

Page 1, remove lines 3 and 4

Page 1, line 5, remove "take appropriate action"

Page 1, line 6, replace "southwest" with "western"

Page 1, line 24, replace "the 26 communities and" with "several communities and other users;"

Page 1, remove line 25

Page 2, line 4, replace "long-term" with "stable water" and replace "the" with "all water users, including municipal, rural, irrigation, and industrial, compliments the Governor and the Attorney General on their efforts, and urges them to continue their actions"

Page 2, remove line 5

Page 2, line 6, remove "appropriate action"

Page 2, line 7, replace "the area" with "western North Dakota"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3033: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3033 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3039: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3039 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3040: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3040 was placed on the Tenth order on the calendar.

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

**Bradley C. Fay, Chief Clerk**