

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

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Bismarck, April 12, 2005

The House convened at 8:00 a.m., with Speaker Klein presiding.

The prayer was offered by Pastor Rich Wyatt, Living Hope Church of the Nazarene, Bismarck.

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

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 11, 2005, I have signed the following: HB 1043, HB 1076, HB 1136, HB 1163, HB 1204, HB 1206, HB 1235, HB 1238, HB 1239, HB 1266, HB 1272, HB 1273, HB 1276, HB 1312, HB 1321, HB 1325, HB 1326, HB 1333, HB 1337, HB 1344, HB 1445, and HB 1527.

REPORT OF CONFERENCE COMMITTEE

HB 1189, as engrossed: Your conference committee (Sens. Traynor, Freborg, Every and Reps. Porter, Nelson, Hanson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1526, adopt amendments as follows, and place HB 1189 on the Seventh order:

That the Senate recede from its amendments as printed on page 1526 of the House Journal and page 711 of the Senate Journal and that Engrossed House Bill No. 1189 be amended as follows:

Page 2, line 2, replace "Local" with "If the local match meets one-third of the total cost of the contract, local"

Renumber accordingly

Engrossed HB 1189 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. PORTER MOVED that the conference committee report on Engrossed HB 1189 as printed on HJ page 1526 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1189, as amended, was placed on the Eleventh order.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulletson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; 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: Kempenich

Engrossed HB 1189 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1222, as engrossed: Your conference committee (Sens. Cook, G. Lee, Fairfield and Reps. Carlson, Devlin, Zaiser) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1344-1345, adopt amendments as follows, and place HB 1222 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1344 and 1345 of the House Journal and page 1017 of the Senate Journal and that Engrossed House Bill No. 1222 be amended as follows:

Page 1, line 1, replace "effect" with "impact"

Page 1, line 3, replace "**effect**" with "**impact**"

Page 1, line 5, replace "effect" with "impact"

Page 1, line 7, remove "or a committee"

Page 1, line 8, remove "designated by the council"

Page 1, line 9, replace "effect" with "impact"

Page 1, line 11, replace "effect" with "impact"

Page 1, line 12, remove "or its designated"

Page 1, line 13, remove "committee" and replace "effect" with "impact"

Page 1, line 16, replace "effect" with "impact" and after the period insert "Within thirty days of the close of the first complete fiscal year after the effective date of an initiated measure approved by the voters, the agencies, institutions, or departments that provided the estimates of the fiscal impact of the measure to the legislative council under this section shall submit a report to the legislative council on the actual fiscal impact for the first complete fiscal year resulting from provisions of the initiated measure and a comparison to the estimates provided to the legislative council under this section and the legislative council shall issue a report of the actual fiscal impact of the initiated measure."

Renumber accordingly

Engrossed HB 1222 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DEVLIN MOVED that the conference committee report on Engrossed HB 1222 as printed on HJ pages 1344-1345 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1222, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1222: A BILL for an Act providing for determining the estimated fiscal effect of an initiated measure.

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; Bellev; Belter; Berg; Bernstein; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Froelich; Froseth; Galvin; Grande; Haas; Hawken; Headland; Herbel; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Metcalf; Monson; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Amerman; Boe; Ekstrom; Glassheim; Gulleeson; Hanson; Kasper; Kelsh, S.; Kerzman; Kroeber; Meyer, S.; Mueller

ABSENT AND NOT VOTING: Kempenich

Engrossed HB 1222 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1275, as engrossed: Your conference committee (Sens. Kringstad, Christmann, Robinson and Reps. Skarphol, Monson, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 858, adopt amendments as follows, and place HB 1275 on the Seventh order:

That the Senate recede from its amendments as printed on page 858 of the House Journal and page 644 of the Senate Journal and that Engrossed House Bill No. 1275 be amended as follows:

Page 2, line 12, replace "software development or" with "information technology"

Page 2, line 13, remove "implementation"

Renumber accordingly

Engrossed HB 1275 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. SKARPHOL MOVED that the conference committee report on Engrossed HB 1275 as printed on HJ page 858 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1275, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1275: A BILL for an Act to create and enact a new section to chapter 54-59 of the North Dakota Century Code, relating to executive branch, legislative branch, and judicial branch reporting of information technology projects to the information technology advisory committee; and to amend and reenact section 54-59-07 of the North Dakota Century Code, relating to the state information technology advisory committee.

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; Bernstein; 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; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemm; 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; Wrangham; Zaiser; Speaker Klein

NAYS: Herbel; Keiser; Maragos

ABSENT AND NOT VOTING: Kempenich

Engrossed HB 1275 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that HB 1004, HB 1397, SB 2002 and SB 2019 be laid over three legislative days, which motion prevailed.

MOTION

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

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

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do concur in the Senate amendments to HB 1203 as printed on HJ pages 1699-1700, which motion prevailed on a voice vote.

HB 1203, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1203: A BILL for an Act relating to business incentives, agreements, and reports; to create and enact a new subdivision to subsection 7 of section 6-08.1-02 of the North Dakota Century Code, relating to disclosure of customer information by the Bank of North Dakota; to provide for a legislative council study; 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 91 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; 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.; 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; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Skarphol

ABSENT AND NOT VOTING: Conrad; Kempenich

Engrossed HB 1203 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1500, as engrossed: Your conference committee (Sens. Hacker, Syverson, Nelson and Reps. Galvin, Koppelman, Onstad) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1455-1457, adopt amendments as follows, and place HB 1500 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1455-1457 of the House Journal and pages 1065-1067 of the Senate Journal and that Engrossed House Bill No. 1500 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to identity fraud; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 51 of the North Dakota Century Code is created and enacted as follows:

Definitions.

1. "Consumer" means an individual.
2. "Consumer report" has the same meaning as provided in 15 U.S.C. 1681a(d).

3. "Consumer reporting agency" means any person that, for monetary fees or dues or on a cooperative nonprofit basis, regularly engages in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate or intrastate commerce for the purpose of preparing or furnishing consumer reports. The term does not include an agency that compiles and maintains files on consumers on a nationwide basis, as described in 15 U.S.C. 1681a(p), a "reseller" as defined in 15 U.S.C. 1681a(u), when engaged in the act of the reselling of consumer information or other information, or a "nationwide specialty consumer reporting agency" that maintains "check writing history" as defined in 15 U.S.C. 1681a(w)(3).
4. "File", when used in connection with information on any consumer, means all of the information on that consumer reported and retained by a consumer reporting agency regardless of how the information is stored.

Initial fraud alerts. Upon the direct request of a consumer or an individual acting on behalf of or as a personal representative of a consumer, who asserts in good faith a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, a consumer reporting agency that maintains a file on the consumer and has received appropriate proof of the identity of the requester shall include a fraud alert in the file of that consumer. The consumer reporting agency shall continue that alert along with any credit score generated in using that file, for a period of not less than ninety days beginning on the date of the request, unless the consumer or the consumer's representative requests that the fraud alert be removed before the end of the period and the agency has received appropriate proof of the identity of the requester for that purpose.

Extended fraud alerts. Upon the direct request of a consumer or an individual acting on behalf of or as a personal representative of a consumer, who asserts in good faith a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, a consumer reporting agency that maintains a file on the consumer and has received appropriate proof of the identity of the requester shall:

1. Include a fraud alert in the file of that consumer and continue that alert along with any credit score generated in using that file, during the seven-year period beginning on the date of the request, unless the consumer or the consumer's representative requests that the fraud alert be removed before the end of that period and the agency has received appropriate proof of the identity of the requester for that purpose; and
2. During the five-year period beginning on the date of the request, exclude the consumer from any list of consumers prepared by the consumer reporting agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer or the consumer's representative requests that the exclusion be rescinded before the end of that period.

Police reports - Judicial determination of factual innocence.

1. An individual who has learned or reasonably suspects that the individual's personal identifying information has been unlawfully used by another, as described in section 12.1-23-11, may initiate a law enforcement investigation by contacting the local law enforcement agency that has jurisdiction over the individual's residence. The law enforcement agency shall take a report of the matter, provide the individual with a copy of that report, and begin an investigation of the facts. If the suspected crime was committed in a different jurisdiction, the local law enforcement agency may refer the matter to the law enforcement agency where the suspected crime was committed for further investigation of the facts.
2. An individual who reasonably believes that the individual is the victim of identity theft may petition the district court in the county in which the alleged victim resides or in which the identity theft is alleged to have occurred, or the court, on its own motion or upon application of the state's attorney, may move for an expedited judicial determination of the individual's factual innocence, if the perpetrator of the identity theft was

arrested, cited, or convicted of a crime under the victim's identity, if a criminal complaint has been filed against the perpetrator in the victim's name, or if the victim's identity has been mistakenly associated with a record of criminal conviction. Any judicial determination of factual innocence made under this section may be heard and determined upon declarations, affidavits, police reports, or other material, relevant, and reliable information submitted by the parties or ordered to be part of the record by the court. If the court determines that the petition or motion is meritorious and that there is no reasonable cause to believe that the victim committed the offense for which the perpetrator of the identity theft was arrested, cited, convicted, or subject to a criminal complaint in the victim's name, or that the victim's identity has been mistakenly associated with a record of criminal conviction, the court shall find the victim factually innocent of that offense. If the victim is found factually innocent, the court shall issue an order certifying that determination.

3. After a court has issued a determination of factual innocence under this section, the court may order the name and associated personal identifying information contained in court records, files, and indexes accessible by the public deleted, sealed, or labeled to show that the data is impersonated and does not reflect the defendant's identity.
4. A court that has issued a determination of factual innocence under this section may vacate that determination if the petition or any information submitted in support of the petition is found to contain any material misrepresentation or fraud.

Enforcement - Powers - Remedies - Penalties. The attorney general may enforce this chapter. In enforcing this chapter, the attorney general has all the powers provided in this chapter or chapter 51-15 and may seek all remedies in this chapter or chapter 51-15. A violation of this chapter constitutes a violation of chapter 51-15. The remedies, duties, prohibitions, and penalties of this chapter are not exclusive and are in addition to all other causes of action, remedies, and penalties as provided in chapter 51-15 and as otherwise provided by law."

Renumber accordingly

Engrossed HB 1500 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. GALVIN MOVED that the conference committee report on Engrossed HB 1500 as printed on HJ pages 1455-1457 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1500, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1500: A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to identity fraud; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; 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.; Kelsh, S.; 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: Conrad; Kempenich

Engrossed HB 1500 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2251, as engrossed: Your conference committee (Sens. Syverson, Hacker, Triplett and Reps. Maragos, Charging, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 786-787, adopt amendments as follows, and place SB 2251 on the Seventh order:

That the House recede from its amendments as printed on pages 786 and 787 of the Senate Journal and pages 944 and 945 of the House Journal and that Engrossed Senate Bill No. 2251 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact chapter 51-30 of the North Dakota Century Code, relating to requiring disclosure to consumers of a breach in security by businesses maintaining personal information in electronic form;"

Page 1, line 4, remove "and" and after "penalty" insert "; to provide an effective date; and to declare an emergency"

Page 1, line 15, overstrike "39-04-14" and insert immediately thereafter "39-06-14"

Page 1, line 20, overstrike "or"

Page 1, line 21, after "institution" insert "; or"

Page 1, line 24, after "individual" insert ", living or deceased,"

Page 2, after line 27, insert:

"SECTION 3. Chapter 51-30 of the North Dakota Century Code is created and enacted as follows:

51-30-01. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Breach of the security system" means unauthorized acquisition of computerized data when access to personal information has not been secured by encryption or by any other method or technology that renders the electronic files, media, or data bases unreadable or unusable. Good-faith acquisition of personal information by an employee or agent of the person is not a breach of the security of the system, if the personal information is not used or subject to further unauthorized disclosure.
2. a. "Personal information" means an individual's first name or first initial and last name in combination with any of the following data elements, when the name and the data elements are not encrypted:
 - (1) The individual's social security number;
 - (2) The operator's license number assigned to an individual by the department of transportation under section 39-06-14;
 - (3) A nondriver color photo identification card number assigned to the individual by the department of transportation under section 39-06-03.1;
 - (4) The individual's financial institution account number, credit card number, or debit card number in combination with any required security code, access code or password that would permit access to an individual's financial accounts;
 - (5) The individual's date of birth;
 - (6) The maiden name of the individual's mother;
 - (7) An identification number assigned to the individual by the individual's employer; or
 - (8) The individual's digitized or other electronic signature.

- b. "Personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

51-30-02. Notice to consumers. Any person that conducts business in this state, and that owns or licenses computerized data that includes personal information, shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of the state whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in section 51-30-04, or any measures necessary to determine the scope of the breach and to restore the integrity of the data system.

51-30-03. Notice to owner or licensee of personal information. Any person that maintains computerized data that includes personal information that the person does not own shall notify the owner or licensee of the information of the breach of the security of the data immediately following the discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

51-30-04. Delayed notice. The notification required by this chapter may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification required by this chapter must be made after the law enforcement agency determines that the notification will not compromise the investigation.

51-30-05. Method of notice. Notice under this chapter may be provided by one of the following methods:

1. Written notice;
2. Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in section 7001 of title 15 of the United States Code; or
3. Substitute notice, if the person demonstrates that the cost of providing notice would exceed two hundred fifty thousand dollars, or that the affected class of subject persons to be notified exceeds five hundred thousand, or the person does not have sufficient contact information. Substitute notice consists of the following:
 - a. E-mail notice when the person has an e-mail address for the subject persons;
 - b. Conspicuous posting of the notice on the person's web site page, if the person maintains one; and
 - c. Notification to major statewide media.

51-30-06. Alternate compliance. Notwithstanding section 51-30-05, a person that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this chapter is deemed to be in compliance with the notification requirements of this chapter if the person notifies subject individuals in accordance with its policies in the event of a breach of security of the system. A financial institution, trust company, or credit union that is subject to, examined for, and in compliance with the federal interagency guidance on response programs for unauthorized access to customer information and customer notice is deemed to be in compliance with this chapter.

51-30-07. Enforcement - Powers - Remedies - Penalties. The attorney general may enforce this chapter. The attorney general, in enforcing this chapter, has all the powers provided in chapter 51-15 and may seek all the remedies in chapter 51-15. A violation of this chapter is deemed a violation of chapter 51-15. The remedies, duties, prohibitions, and penalties of this chapter are not exclusive and are in addition to all other causes of action, remedies, and penalties under chapter 51-15, or otherwise provided by law.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on June 1, 2005.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2251 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. MARAGOS MOVED that the conference committee report on Engrossed SB 2251 as printed on HJ pages 786-787 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2251, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2251: A BILL for an Act to create and enact chapter 51-30 of the North Dakota Century Code, relating to requiring disclosure to consumers of a breach in security by businesses maintaining personal information in electronic form; to amend and reenact sections 12.1-23-11 and 12.1-23-12 of the North Dakota Century Code, relating to the unauthorized use of personal identifying information, penalties, and prosecution of offenses in multiple counties; jurisdiction in offenses involving conduct outside this state; to provide a penalty; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; 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.; 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: Conrad; Kempenich

Engrossed SB 2251 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2266, as engrossed: Your conference committee (Sens. Brown, Lyson, Warner and Reps. Nelson, Porter, Sandvig) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 896-897, adopt amendments as follows, and place SB 2266 on the Seventh order:

That the House recede from its amendments as printed on pages 896 and 897 of the Senate Journal and page 1144 of the House Journal and that Engrossed Senate Bill No. 2266 be amended as follows:

Page 1, line 22, replace "three" with "two"

Page 1, line 24, after the underscored period insert "The selected community may negotiate a period of service longer than two years."

Page 2, line 3, after "program" insert "subject to the availability of funding"

Page 2, line 6, replace "three-year" with "two-year"

Page 2, line 26, replace "three" with "two"

Page 2, line 31, replace "three" with "a minimum of two"

Renumber accordingly

Engrossed SB 2266 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. NELSON MOVED that the conference committee report on Engrossed SB 2266 as printed on HJ page 1144 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2266, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2266: A BILL for an Act to amend and reenact section 43-17.2-01, subsection 5 of section 43-17.2-02, and subsection 3 of section 43-17.2-03 of the North Dakota Century Code, relating to the state-community matching physician loan repayment program and powers of the state health council.

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; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; 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; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Delzer; Ruby; Skarphol

ABSENT AND NOT VOTING: Conrad; Kempenich

Engrossed SB 2266 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2372, as engrossed: Your conference committee (Sens. Wardner, Tollefson, Every and Reps. Nelson, Uglem, Sandvig) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1117, adopt amendments as follows, and place SB 2372 on the Seventh order:

That the House recede from its amendments as printed on page 1117 of the Senate Journal and page 1245 of the House Journal and that Engrossed Senate Bill No. 2372 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with " for an Act to provide for a legislative council study relating to efforts to discourage alcohol and drug abuse and tobacco use.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL COORDINATION OF EFFORTS TO DISCOURAGE DESTRUCTIVE BEHAVIOR STUDY. The legislative council shall study, during the 2005-06 interim, the feasibility and desirability of establishing an organization or ombudsman to support and coordinate federal, tribal, state, including institutions of higher education, and local government and private efforts to discourage destructive behavior, including alcohol and drug abuse and tobacco use. 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

Engrossed SB 2372 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. NELSON MOVED that the conference committee report on Engrossed SB 2372 as printed on HJ page 1245 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2372, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2372: A BILL for an Act to provide for a legislative council study relating to efforts to discourage alcohol and drug abuse and tobacco use.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 67 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Charging; Clark; Damschen; Delmore; Devlin; Dietrich; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Guleson; Haas; Hanson; Hawken; Herbel; Horter; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Mueller; Nelson; Nicholas; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Price; Ruby; Sandvig; Schmidt; Solberg; Svedjan; Thorpe; Uglem; Vigasaa; Wall; Weisz; Wieland; Wrangham; Zaiser; Speaker Klein

NAYS: Bellew; Belter; Bernstein; Carlson; DeKrey; Delzer; Dosch; Drovdal; Grande; Headland; Iverson; Kasper; Keiser; Meier, L.; Monson; Norland; Pollert; Rennerfeldt; Sitte; Skarphol; Thoreson; Timm; Wald; Weiler; Williams

ABSENT AND NOT VOTING: Conrad; Kempenich

Engrossed SB 2372 passed and the title was agreed to.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2251.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1500.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2187, SB 2266, SB 2372.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1209, HB 1230.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1189, HB 1222, HB 1275.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1203.

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

MR. PRESIDENT: The Speaker has signed: HB 1042, HB 1280, HB 1284, HB 1348, HB 1350, HB 1357, HB 1374, HB 1376, HB 1391, HB 1410, HB 1419, HB 1433, HB 1439, HB 1452, HB 1460, HB 1470, HB 1473, HB 1484, HB 1486, HB 1497, HB 1505.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 12, 2005: HB 1042, HB 1280, HB 1284, HB 1348, HB 1350, HB 1357, HB 1374, HB 1376, HB 1391, HB 1410, HB 1419, HB 1433, HB 1439, HB 1452, HB 1460, HB 1470, HB 1473, HB 1484, HB 1486, HB 1497, HB 1505.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1050.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1050

Page 1, line 2, after "adjustments" insert "; and to provide an appropriation for additional state employee compensation"

Page 1, line 7, replace "three" with "four"

Page 1, line 8, remove "Of the"

Page 1, remove lines 9 through 23

Page 2, line 6, replace "three" with "four"

Page 2, line 9, replace "three" with "four"

Page 2, after 18, insert:

"SECTION 3. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the agencies listed below for the purpose of providing additional compensation to state employees of the various agencies, for the biennium beginning July 1, 2005, and ending June 30, 2007:

	GENERAL FUND	SPECIAL FUNDS	TOTAL
Governor	\$18,647		\$18,647
Secretary of state	18,079	\$412	18,491
Office of management and budget	76,842	19,108	95,950
Information technology department	17,139	261,063	278,202
State auditor	37,752	17,374	55,126
State treasurer	5,283		5,283
Attorney general	119,265	42,774	162,039
Tax commissioner	108,832		108,832
Office of administrative hearings		8,792	8,792
Legislative council	38,169		38,169
Judicial branch	256,101	7,961	264,062
Retirement and investment office		16,207	16,207
Public employees retirement system		23,494	23,494
Department of public instruction	27,084	55,943	83,027
Land department		18,442	18,442
State library	15,857	2,099	17,956
School for the deaf	22,884	1,596	24,480
North Dakota vision services - school for the blind	7,578	2,999	10,577
Board for career and technical education	17,729	8,940	26,669
State department of health	96,462	175,470	271,932
Veterans' home	49,836		49,836
Indian affairs commission	2,832		2,832
Department of veterans' affairs	4,085		4,085
Department of human services	939,599	552,033	1,491,632
Protection and advocacy project	4,866	16,544	21,410
Job service	781	291,876	292,657
Insurance commissioner		42,621	42,621
Industrial commission	43,829	7,113	50,942
Labor commissioner	7,085	2,213	9,298
Public service commission	28,213	15,631	43,844
Aeronautics commission		5,797	5,797
Department of financial institutions		28,958	28,958
Securities department	9,430		9,430
Bank of North Dakota		149,018	149,018
Housing finance agency		36,355	36,355
Workforce safety and insurance		213,435	213,435
Highway patrol	168,909	5,461	174,370
Division of emergency management	25,495	22,988	48,483
Department of corrections and	438,759	38,484	477,243

rehabilitation			
Adjutant general	32,634	84,212	116,846
Department of commerce	43,228	19,289	62,517
Agriculture commissioner	29,656	22,767	52,423
Seed department		24,274	24,274
Upper great plains transportation institute	2,903	64,844	67,747
Branch research centers	58,568	18,264	76,832
NDSU extension service	153,847	107,685	261,532
Northern crops institute	5,663	4,071	9,734
Main research center	268,579	139,324	407,903
Agronomy seed farm		3,326	3,326
Historical society	38,629	4,827	43,456
Council on the arts	3,714		3,714
Game and fish department		143,043	143,043
Parks and recreation department	33,620	3,182	36,802
State water commission	11,220	69,208	80,428
Department of transportation		<u>835,451</u>	<u>835,451</u>
Total	\$3,289,683	\$3,634,968	\$6,924,651"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds \$6,924,651, of which \$3,289,683 is from the general fund, for state agencies to provide an additional 1 percent state employee salary increase for the first year of the 2005-07 biennium. The state employee compensation guidelines are changed to provide that state employees receive a 4 percent salary increase for the first year and a 4 percent salary increase for the second year of the 2005-07 biennium. Provisions designating that one-half of the second year increase be used for specific purposes are removed.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1222, HB 1275.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2059.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2388.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3059.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1231.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2157, SB 2266, SB 2372.

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

MR. SPEAKER: The President has appointed Sen. Trenbeath to replace Sen. Traynor on the Conference Committee on HB 1259.

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

MR. SPEAKER: The President has appointed Sen. Syverson to replace Sen. Traynor on the Conference Committee on SB 2373.

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

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

HB 1154: Sens. Freborg; Flakoll; Seymour

HB 1524: Sens. Cook; Hacker; Triplett

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1437.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1346.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2251.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently failed to pass: SB 2247.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Thirteenth, Fourteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Wednesday, April 13, 2005, which motion prevailed.

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

Bradley C. Fay, Chief Clerk