

JOURNAL OF THE HOUSE

Fifty-sixth Legislative Assembly

* * * * *

Bismarck, February 4, 1999

The House convened at 9:00 a.m., with Speaker Wald presiding.

The prayer was offered by Pastor Scott Sheets, Bismarck Alliance Church, Bismarck.

The roll was called and all members were present except Representatives Brekke, Dorso, Gunter, Kliniske, and Timm.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. DeKrey, Chairman)** has carefully reexamined the Journal of the Twentieth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 276, line 15, after "Monson" insert ", Boucher" and after "St. Aubyn" insert ", T. Mathern"

REP. AARSVOLD MOVED that the report be adopted, which motion prevailed.

MOTION

REP. MONSON MOVED that HB 1025 and HB 1325 be returned to the House floor from the **Appropriations Committee** and be placed on the Eleventh order for the succeeding legislative day, which motion prevailed.

MOTION

REP. DEKREY MOVED that the House reconsider its action whereby HB 1286 passed, which motion failed on a verification vote.

REQUEST

REP. GLASSHEIM REQUESTED a Ruling by the Speaker with reference to the number of votes needed for reconsideration, whether you need a Constitutional Majority or just a majority of members voting.

RULING BY THE SPEAKER

SPEAKER WALD RULED that in accordance with House Rule 347(2), the motion for reconsideration failed because there was less than a majority of the members-elect, which would be 50 votes. The Chair ruled that the motion for reconsideration failed.

SIXTH ORDER OF BUSINESS

REP. MONSON MOVED that the amendments on the Sixth order of business to HB 1121, HB 1122, HB 1290, and HB 1388 be adopted, which motion prevailed.

HB 1290, as amended, was rereferred to the **Appropriations Committee**.

HB 1121, HB 1122, and HB 1388, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1085: A BILL for an Act to amend and reenact section 38-08.1-07 of the North Dakota Century Code, relating to penalties for violation of oil and gas laws, rules, and orders; 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, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether;

Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Brekke; Carlson; Dorso; Maragos; Schmidt; Timm

Engrossed HB 1085 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1200: A BILL for an Act relating to the unauthorized removal or possession of purple coneflowers, *Echinacea purpurea* or *Echinacea angustifolia*; 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, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Brekke; Carlson; Dorso; Maragos; Schmidt; Timm

Engrossed HB 1200 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1223: 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 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, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Meyer; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Metcalf; Mueller

ABSENT AND NOT VOTING: Brekke; Carlson; Dorso; Maragos; Schmidt; Timm

Engrossed HB 1223 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that HB 1310 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1310: A BILL for an Act to amend and reenact sections 24-03-06, 24-03-08, and 24-06-26.1 of the North Dakota Century Code, relating to construction of highways to permit a natural flow of water.

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

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Dalrymple; Eckre; Huether; Kelsh, S.; Martinson

ABSENT AND NOT VOTING: Brekke; Carlson; Dorso; Maragos; Schmidt; Timm

Engrossed HB 1310 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that HB 1446 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1446: A BILL for an Act to amend and reenact sections 11-11-17 and 24-06-14 of the North Dakota Century Code, relating to the appointment of district overseer of highways for unorganized territory.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Brekke; Carlson; Dorso; Maragos; Schmidt; Timm

HB 1446 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1246: A BILL for an Act to amend and reenact section 20.1-01-17 of the North Dakota Century Code, relating to posting of lands to prohibit hunting.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 84 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Delzer; Drovdal; Froelich; Kempenich; Kerzman; Lemieux; Meyer; Stefonowicz; Warner

NAYS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Brekke; Carlson; Dorso; Schmidt; Timm

Engrossed HB 1246 was declared lost.

SECOND READING OF HOUSE BILL

HB 1406: A BILL for an Act to amend and reenact sections 11-18-05 and 11-18-11 of the North Dakota Century Code, relating to register of deeds fees and recording certificates.

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, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Brekke; Carlson; Dorso; Schmidt; Timm

Engrossed HB 1406 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1459: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to waterfowl hunting by nonresidents.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 3 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Froelich; Kerzman; Meyer

ABSENT AND NOT VOTING: Brekke; Carlson; Dorso; Hanson; Maragos; Schmidt; Timm

Engrossed HB 1459 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1464: A BILL for an Act to amend and reenact subsection 1 of section 16.1-08.1-01 of the North Dakota Century Code, relating to the definition of a labor organization.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 88 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Brusegaard; Carlson; Grande; Gunter; Lloyd; Nelson

NAYS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grosz; Grumbo; Gulleon; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Brekke; Dorso; Schmidt; Timm

Engrossed HB 1464 was declared lost.

SECOND READING OF HOUSE BILL

HB 1471: A BILL for an Act to amend and reenact subsection 9 of section 26.1-17-01 and section 26.1-36-09.5 of the North Dakota Century Code, relating to reimbursement for services provided by certified registered nurse first assistants.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 71 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Ekstrom; Fairfield; Froelich; Grumbo; Hoffner; Kelsh, S.; Kerzman; Lemieux; Lundgren; Meyer; Nichols; Niemeier; Nowatzki; Rose; Solberg; Stefanowicz; Thorpe; Warner; Winrich; Speaker Wald

NAYS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovda; Eckre; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Monson; Mueller; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Sandvig; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Tollefson; Weisz; Wentz; Wikenheiser

ABSENT AND NOT VOTING: Brekke; Dorso; Schmidt; Timm

Engrossed HB 1471 was declared lost.

SECOND READING OF HOUSE BILL

HB 1123: A BILL for an Act to repeal section 25-04-20 of the North Dakota Century Code, relating to the westwood park assets management committee.

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

NAYS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Brekke; Dorso; Schmidt; Timm

HB 1123 was declared lost.

SECOND READING OF HOUSE BILL

HB 1250: A BILL for an Act to authorize the reorganization of certain school districts.

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, 74 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Byerly; Dalrymple; DeKrey; Delzer; Devlin; Froseth; Glassheim; Grande; Gunter; Hawken; Huether; Johnson, N.; Keiser; Koppelman; Lloyd; Nicholas; Niemeier; Weisz

NAYS: Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Cleary; Delmore; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Galvin; Grosz; Grumbo; Gulleston; Haas; Hanson; Henegar; Herbel; Hoffner; Jensen; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Brekke; Dorso; Gorder; Schmidt; Timm

HB 1250 was declared lost.

SECOND READING OF HOUSE BILL

HB 1323: A BILL for an Act to create and enact a new section to chapter 39-21 of the North Dakota Century Code, relating to safety belts in schoolbuses; and to amend and reenact section 39-21-41.1 of the North Dakota Century Code, relating to safety belts in schoolbuses.

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 15 YEAS, 77 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Cleary; Delmore; Ekstrom; Fairfield; Jensen; Kelsh, S.; Lemieux; Lundgren; Maragos; Martinson; Rose; Severson; Sveen; Tollefson; Wentz

NAYS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman;

Kroeber; Lloyd; Mahoney; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Sandvig; Solberg; Stefonowicz; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Warner; Weisz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Brekke; Carlson; Dorso; Nowatzki; Schmidt; Timm

HB 1323 was declared lost.

SECOND READING OF HOUSE BILL

HB 1328: A BILL for an Act to amend and reenact section 20.1-01-18 of the North Dakota Century Code, relating to location of game traps; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 88 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Clark; Fairfield; Lundgren; Nichols; Wentz

NAYS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glasheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Brekke; Dorso; Kempenich; Schmidt; Timm

HB 1328 was declared lost.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1037, HB 1041, HB 1146, HB 1170, HB 1226, HB 1281, HB 1285, HB 1286, HB 1357, HB 1359, HB 1366, HB 1372, HB 1384, HB 1391, HB 1393, HB 1401, HB 1467.

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, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Friday, February 5, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1043: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1043 was placed on the Sixth order on the calendar.

Page 3, line 15, after the second underscored comma insert "sexual preference."

Page 3, line 20, after the fourth underscored comma insert "sexual preference."

Page 7, line 8, after the second "members" insert ", unless membership in the club is restricted because of race, color, or national origin"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1144: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and

BE REREFERRED to the **Appropriations Committee** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1144 was placed on the Sixth order on the calendar.

Page 66, line 14, after the period insert "Any investigation under this section may include an investigatory hearing held in accordance with section 28-32-08."

Page 66, line 17, overstrike ", but the"

Page 66, overstrike line 18

Page 66, line 19, overstrike "prescribes by rule"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1167: Natural Resources Committee (Rep. Grosz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1167 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1177: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1177 was placed on the Sixth order on the calendar.

Page 3, line 15, replace "fifty" with "twenty-five "

Page 3, line 16, replace "one hundred" with "fifty "

Page 3, line 17, replace "five hundred" with "seventy-five"

Page 3, line 18, replace "thousand" with "hundred fifty"

Page 3, line 20, replace "five hundred" with "seventy-five"

Page 3, line 23, replace "forty-five" with "twenty-five"

Page 3, line 24, replace "fifty" with "twenty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1196: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1196 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "maintaining" with "operating"

Page 2, line 24, replace "Establishing and maintaining" with "Operating"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1199: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1199 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1224: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1224 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1239: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1239 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1243: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1243 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection 1 of section" with "sections" and after "6-08-16" insert "and 6-08-16.2"

Page 1, line 2, after "funds" insert ", credit, or an account"

Page 1, line 5, replace "Subsection 1 of section" with "Section"

Page 1, after line 6, insert:

"6-08-16. Issuing check or draft without sufficient funds or credit - Notice - Time limitation - Financial liability - Penalty."

Page 1, after line 19, insert:

- "2. The person is also liable for collection fees or costs, not in excess of twenty dollars, which are recoverable by civil action by the holder, or its agent or representative, of the check, draft, or order or if criminal action is initiated, the court may assess costs of five dollars, which are payable to the state's attorney of the county in which the charge is prosecuted. A collection agency shall reimburse the original holder of the check, draft, or order any additional charges assessed by the depository bank of the check, draft, or order not in excess of two dollars if recovered by the collection agency. A civil penalty is also recoverable by civil action by the holder, or its agent or representative, of the check, draft, or order. The civil penalty consists of payment to the holder, or its agent or representative, of the instrument of the lesser of one hundred dollars or three times the amount of the instrument.
3. The word "credit" as used in this section means an arrangement or understanding with the bank, banker, or depository for the payment of the check, draft, or order. The making of a postdated check knowingly received as such, or of a check issued under an agreement with the payee that the check would not be presented for payment for a time specified, does not violate this section.
4. A notice of dishonor may be mailed by the holder, or ~~its~~ the holder's agent or representative, of the check upon dishonor. Proof of mailing may be made by return receipt or by an affidavit of mailing signed by the individual making the mailing. The notice must be in substantially the following form:

Notice of Dishonored Check

Date _____
 Name of Issuer _____
 Street Address _____
 City and State _____
 You are according to law notified that a check dated _____,
 19 _____, drawn on the _____ Bank
 of _____ in the amount of _____ has been returned
 unpaid with the notation the payment has been refused because of
 nonsufficient funds. Within ten days from the receipt of this
 notice, you must pay or tender to _____
 _____ (Holder or Agent or Representative)
 sufficient moneys to pay such instrument in full and any collection
 fees or costs not in excess of twenty dollars.

The notice of dishonor also may contain a recital of the penal provisions of this section and the possibility of a civil action to recover any collection fees or costs or civil penalty authorized by this section.

5. An agent acting for the receiver of a check in violation of this section may present the check to the state's attorney for prosecution if the holder, or the holder's agent or representative, mailed a notice under subsection 4. The criminal complaint for the offense of issuing a check, draft, or money order without sufficient funds under this section must be executed within not more than ninety days after the dishonor by the drawee of said instrument

for nonsufficient funds. A complaint may not be executed until at least ten days following mailing of the notice under subsection 4 and may not be executed if the person who issued the check, draft, or order has paid the amount owed under the check, draft, or order within those ten days. The failure to execute a complaint within said time bars the criminal charge under this section.

SECTION 2. AMENDMENT. Section 6-08-16.2 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-08-16.2. Issuing check without account or with insufficient funds - Financial liability - Penalty - Exceptions.

1. As used in this section:
 - a. "Account" means any account at a bank or depository from which an instrument could legally be paid.
 - b. "Dishonor" is synonymous with "nonpayment".
 - c. "Instrument" means any check, draft, or order for the payment of money.
 - d. "Issues" means draws, utters, or delivers.

2. A person who, for that person or as agent or representative of another, willfully as defined in section 12.1-02-02 issues any instrument is guilty of a class C felony if that person has been previously convicted of issuing an instrument without an account pursuant to section 6-08-16.1 or without sufficient funds in a bank or depository pursuant to section 6-08-16, and:
 - a. At the time of issuing the instrument the drawer does not have an account with the bank or depository on which the instrument is drawn; or
 - b. At the time of issuing the instrument or at the time of presentation for payment if made within ten business days after the original delivery of the instrument, the drawer does not have sufficient funds in the bank or depository, or credit with the bank, banker, or depository, to pay the instrument in full upon its presentation.

~~The person also is liable for collection fees or costs, not in excess of twenty dollars, which are recoverable by civil action by the holder, or its agent or representative, of the instrument.~~

3. A person who, for that person or an agent or representative of another, willfully as defined in section 12.1-02-02 issues any instrument is guilty of a class C felony if the instrument was for at least ten thousand dollars, and:
 - a. At the time of issuing the instrument, the drawer does not have an account with the bank or depository on which the instrument is drawn; or
 - b. At the time of issuing the instrument, or at the time of presentation for payment if made within five business days after the original delivery of the instrument, the drawer does not have sufficient funds in the bank or depository, or credit with the bank, banker, or depository, to pay the instrument in full upon its presentation.

~~The person also is liable for collection fees or costs, not in excess of twenty dollars, which are recoverable by civil action by the holder, or its agent or representative, of the instrument.~~

4. A person who, for that person or as an agent or representative of another, willfully issues at least two instruments within a ninety-day period is guilty of a class C felony if the total amount of the instruments was for at least five hundred dollars, and the drawer has violated subdivision a or b, or both, with respect to the instruments:

- a. At the time of issuing the instruments, the drawer does not have an account with the bank or depository on which the instruments are drawn; or
- b. At the time of issuing the instruments, or at the time of presentation for payment if made within ten business days after the original delivery of the instrument, the drawer does not have sufficient funds in the bank or depository, or credit with the bank, banker, or depository, to pay the instrument in full upon its presentation.
5. The A person who issues an instrument under subsection 2, 3, or 4 also is liable for collection fees or costs, not in excess of twenty dollars per instrument, which are recoverable by civil action by the holder of the instrument, or the holder's agent or representative or if criminal action is initiated, the court may assess costs of five dollars, which are payable to the state's attorney of the county in which the charge is prosecuted.
- 5- A civil penalty is also recoverable by civil action by the holder, or its agent or representative, of the instrument. The civil penalty consists of payment to the holder of the instrument of the lesser of one hundred dollars or three times the amount of the instrument.
6. An agent acting for the receiver of an instrument issued in violation of this section may present the instrument to the state's attorney for prosecution if the holder, or the holder's agent or representative, mailed a notice under subsection 7. A criminal complaint for violation of subdivision b of subsection 2 or subdivision b of subsection 3 must be executed within ninety days after the drawer of the instrument receives notice, from the holder, of nonpayment. A complaint for a violation of subsection 4 must be executed within ninety days after the drawer of the instrument receives notice, from the holder, of the holder's agent or representative, of nonpayment for the last instrument, if any, included under subdivision b of subsection 4 for a violation of subsection 4. A complaint may not be executed until at least ten days following mailing of the notice under subsection 7 and may not be executed if the person who issues the instrument has paid the amount owed under the instrument within those ten days. Failure to execute a complaint within the time set forth in this subsection bars any criminal charges under subdivision b of subsection 2, subdivision b of subsection 3, or subdivision b of subsection 4.
7. A notice of dishonor may be mailed by the holder, or ~~its~~ the holder's agent or representative, of the instrument upon dishonor. Proof of mailing may be made by return receipt or by an affidavit of mailing signed by the individual making the mailing. The notice must be in substantially the following form:

Notice of Dishonored Instrument

Date _____
 Name of Issuer _____
 Street Address _____
 City and State _____
 You are according to law notified that an instrument dated _____,
 19 _____, drawn on the _____ Bank of
 _____ in the amount of _____ has been
 returned unpaid with the notation the payment has been refused
 because (of nonsufficient funds) (the drawer does not have an
 account). Within ten days from the receipt of this notice,
 you must pay or tender to _____
 (Holder)
 sufficient moneys to pay such instrument in full and any collection
 fees or costs not in excess of twenty dollars.

The notice may also contain a recital of the penal provisions of this section and the possibility of a civil action to recover any collection fees or costs authorized by this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1261: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1261 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1282: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1282 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1295: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1295 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "relating to the sale of certain volatile chemicals to minors;"

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

Page 1, line 4, remove "a penalty"

Page 1, line 19, after "4." insert "Butane

5."

Page 1, line 20, overstrike "5." and insert immediately thereafter "6."

Page 1, line 21, overstrike "6." and insert immediately thereafter "7."

Page 1, line 22, overstrike "7." and insert immediately thereafter "8."

Page 1, line 23, overstrike "8." and insert immediately thereafter "9."

Page 1, line 24, overstrike "9." and insert immediately thereafter "10."

Page 2, line 1, overstrike "10." and insert immediately thereafter "11."

Page 2, line 2, overstrike "11." and insert immediately thereafter "12."

Page 2, line 3, overstrike "12." and insert immediately thereafter "13."

Page 2, line 4, overstrike "13." and insert immediately thereafter "14."

Page 2, line 5, overstrike "14." and insert immediately thereafter "15."

Page 2, line 6, overstrike "15." and insert immediately thereafter "16."

Page 2, line 7, overstrike "16." and insert immediately thereafter "17."

Page 2, line 8, overstrike "17." and insert immediately thereafter "18."

Page 2, line 9, overstrike "18." and insert immediately thereafter "19."

Page 2, line 10, overstrike "19." and insert immediately thereafter "20."

Page 2, line 11, overstrike "20." and insert immediately thereafter "21."

Page 2, line 12, replace "21" with "22"

Page 2, line 13, replace "22" with "23"

Page 2, line 14, replace "23" with "24"

Page 2, line 15, replace "24" with "25"

Page 2, line 16, replace "25" with "26"

Page 2, remove lines 17 through 31

Page 3, remove lines 1 through 26

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1329: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1329 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "chapters 27-14 and" with "chapter"

Page 1, line 2, remove "and" and after "penalty" insert "; and to provide for retroactive application"

Page 1, remove lines 4 through 8

Page 1, line 18, after "provide" insert "multiple", remove "not more than", and after "year" insert "per extension"

Page 1, line 19, remove "A first violation of this subsection subjects the attorney to a"

Page 1, remove lines 20 through 23

Page 2, line 3, replace "listing by name and court number every other of that attorney's estate" with "shall serve notice on the heirs, devisees, and the personal representative. An heir, devisee, or personal representative may request, or the court on its own motion may hold, a hearing as part of the estate proceeding to determine if a delay is unwarranted. If the court determines the delay is unwarranted, the court may order a fee or damages to be paid to the estate and any sanctions the court determines appropriate and shall file a complaint with the disciplinary board."

Page 2, replace line 4 with:

"SECTION 2. RETROACTIVE APPLICATION. This Act applies retroactively to an estate proceeding initiated before August 1, 1999. Notwithstanding section 1 of this Act, the attorney at law has until November 1, 1999, to file the affidavit and send notice if this Act applies to an estate proceeding initiated before July 31, 1996."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1330: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1330 was placed on the Sixth order on the calendar.

Page 3, line 12, remove the overstrike over "~~at any time~~" and remove "is not prevented by the doctrines of res judicata or collateral estoppel"

Page 3, line 13, remove "from reviewing the claim and" and remove the overstrike over "~~may review the award,~~"

Page 3, line 17, after "and" insert "specifically", replace "prior hearing" with "formal hearing under subsection 8 of section 65-01-16", and remove "or"

Page 3, line 18, remove "information not previously considered "

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1350: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1350 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1353: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1353 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "fifty" with "twenty-five"

Page 2, line 14, replace "fifty" with "twenty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1374: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1374 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1382: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1382 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "upon" with "pursuant to"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1387: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1387 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1400: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1400 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1424: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1424 was placed on the Sixth order on the calendar.

Page 5, line 2, replace "an offense described" with "a felony contained"

Page 5, line 4, replace "(3)" with "(2)"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1442: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1442 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1443: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1443 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "junior"

Page 1, line 10, overstrike "junior"

Page 3, line 22, replace "The" with "Subject to state board of higher education policies, the"

Page 3, line 23, after "division" insert "or other unit"

Page 3, line 25, replace "delivering" with "arranging the delivery of"

Page 3, line 28, replace "**Advisory**" with "**Work force training**" and replace "The" with "Subject to state board of higher education policies, the"

Page 3, line 29, replace "an advisory" with "a work force training"

Page 4, line 1, replace "advisory" with "work force training"

Page 4, line 2, after "members" insert "including at least one representative from one of the following: an Indian-owned business, the tribal government, or the tribal colleges within the designated region"

Page 4, line 5, replace "The" with "Subject to state board of higher education policies, the"

Page 4, line 7, after "plan" insert "that must include provisions for use of the training capacity of the tribal colleges within the designated region" and replace "advisory" with "work force training"

Page 4, line 8, replace "advisory" with "work force training"

Page 4, line 15, replace "The" with "Subject to state board of higher education policies, the"

Page 4, line 17, replace "advisory" with "work force training"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1447: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1447 was placed on the Sixth order on the calendar.

Page 1, line 2, after "weapons" insert "; and to declare an emergency"

Page 2, after line 20, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1450: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1450 was placed on the Sixth order on the calendar.

Page 1, line 8, replace the second "service" with "study"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1473: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1473 was placed on the Sixth order on the calendar.

Page 1, line 13, remove "or"

Page 1, line 16, replace "or" with "and"

Page 2, line 17, remove "or"

Page 2, line 18, remove "or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1474: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1474 was placed on the Sixth order on the calendar.

Page 2, line 20, replace "fifty" with "thirty-five"

Page 2, line 23, replace "fifty" with "thirty-five"

Page 2, line 28, replace "fifty" with "thirty-five"

Page 3, line 4, replace "one hundred" with "seventy"

Page 3, line 5, replace "one hundred" with "seventy"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2029, SB 2071, SB 2096, SB 2131, SB 2196, SB 2291, SB 2313, SB 2373.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Bernstein, Boehm, Schmidt and Sens. Robinson, Solberg, Wanzek introduced:

HCR 3051: A concurrent resolution directing the Legislative Council to study the role and mission of the Milk Marketing Board.

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

FIRST READING OF SENATE BILLS

SB 2029: A BILL for an Act to amend and reenact sections 15-10-18, 15-10.1-02, and 15-10.1-03 of the North Dakota Century Code, relating to the approval by the budget section of nonresident tuition rates at institutions of higher education, reciprocal tuition agreements, and agreements for the remission of nonresident tuition.

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

SB 2071: A BILL for an Act to create and enact a new subsection to section 54-52-17 and a new section to chapter 54-52 of the North Dakota Century Code, relating to acceptance of rollovers from other qualified plans and vesting of employer contributions under the public employees retirement system; to amend and reenact subsection 1 of section 54-52-01, subdivisions b and d of subsection 3 of section 54-52-17, paragraphs 1 and 2 of subdivision a of subsection 4 of section 54-52-17, subdivision d of subsection 4 of section 54-52-17, subsections 5, 6, and 7 of section 54-52-17, sections 54-52-17.5 and 54-52-17.10 of the North Dakota Century Code, relating to definitions, determination of retirement dates, computation of benefits, eligibility for early retirement benefits, vesting, postretirement adjustments, and prior service retiree adjustments under the public employees retirement system; to provide an appropriation; and to provide an effective date.

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

SB 2096: A BILL for an Act to create and enact a new section to chapter 52-02.1 of the North Dakota Century Code, relating to cost reimbursement for new jobs training; and to amend and reenact subsection 2 of section 52-02.1-03 of the North Dakota Century Code, relating to cost reimbursement for new jobs training.

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

SB 2131: A BILL for an Act to amend and reenact sections 37-01-03, 37-09-01, 37-09-02, 37-09-04, 37-09-05, 37-09-06, 37-09-08, 37-09-09, 37-09-12, and 37-09-14 of the North Dakota Century Code, relating to application of the uniform code of military justice to the North Dakota national guard and military courts within the North Dakota national guard; and to repeal sections 37-09-03 and 37-09-13 of the North Dakota Century Code, relating to military courts of inquiry and court-martial sentences.

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

SB 2196: A BILL for an Act to amend and reenact sections 23-09.3-01.1 and 23-16-01.1 of the North Dakota Century Code, relating to a moratorium on additional basic care facility and long-term care beds and a prohibition on the creation of a bed bank.

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

SB 2291: A BILL for an Act to amend and reenact section 54-44.3-20 of the North Dakota Century Code, relating to exemption of the teaching staff of institutions of higher education from the state classified service.

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

SB 2313: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to personal and financial information submitted to a state agency in a consumer complaint.

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

SB 2373: A BILL for an Act to amend and reenact section 20.1-05-03 of the North Dakota Century Code, relating to the opening time for big game hunting seasons.
Was read the first time and referred to the **Natural Resources Committee**.

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

LANCE HAGEN, Chief Clerk