

**JOURNAL OF THE HOUSE**

**Fifty-sixth Legislative Assembly**

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**Bismarck, February 15, 1999**

The House convened at 8:30 a.m., with Speaker Wald presiding.

The prayer was offered by Reverend Greg O'Dell, Salvation Army, Bismarck.

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

A quorum was declared by the Speaker.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the amendments on the Sixth order of business to HB 1034, HB 1108, HB 1335, HB 1430, HB 1482, and HB 1493 be adopted, which motion prevailed.

HB 1335, as amended, was rereferred to the **Appropriations Committee**.

HB 1034, HB 1108, HB 1430, HB 1482, and HB 1493, as amended, were placed on the Eleventh order of business on the calendar.

**MOTION**

**REP. DORSO MOVED** that HB 1311, HB 1345, HCR 3017, HCR 3020, and HCR 3032 be placed at the bottom of the calendar, which motion prevailed.

**MOTION**

**REP. DORSO MOVED** that HB 1383, which is on the Eleventh order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, HB 1383 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1001:** A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; 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 95 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsch, 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; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Aarsvold

**ABSENT AND NOT VOTING:** Boucher; Wentz

Engrossed HB 1001 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1373:** A BILL for an Act to amend and reenact section 50-01.2-03.2 of the North Dakota Century Code, relating to reimbursements to county social service boards; 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 NOT PASS, the roll was called and there were 41 YEAS, 56 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Cleary; DeKrey; Delmore; Ekstrom; Fairfield; Froelich; Grumbo; Gulleon; Gunter; Hanson; Hoffner; Huether; Jensen; Johnson, D.; Kelsh, S.; Kerzman; Kliniske; Kroeber; Lemieux; Lundgren; Mahoney; Metcalf; Mueller; Nichols; Niemeier; Nowatzki; Pollert; Porter; Price; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Thoreson, B.; Thorpe; Warner; Weisz; Winrich

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Haas; Hawken; Henegar; Herbel; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Koppang; Koppelman; Lloyd; Maragos; Martinson; Meyer; Mickelson; Monson; Nelson; Nicholas; Nottestad; Poolman; Renner; Rennerfeldt; Svedjan; Sveen; Thoreson, L.; Timm; Tollefson; Wentz; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher

Engrossed HB 1373 was declared lost.

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**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Representative Moine Gates

**SECOND READING OF HOUSE BILL**

**HB 1422:** A BILL for an Act to amend and reenact subsection 26 of section 65-01-02 and section 65-05-12.2 of the North Dakota Century Code, relating to workers' compensation awards for permanent impairment; to provide for a study of workers' compensation permanent impairment awards; 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 87 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Cleary; Ekstrom; Fairfield; Gulleon; Hanson; Hoffner; Kelsh, S.; Kroeber; Lundgren; Rose

**ABSENT AND NOT VOTING:** Boucher

Engrossed HB 1422 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1439:** A BILL for an Act to amend and reenact section 4-35-09.1 of the North Dakota Century Code, relating to proof of financial responsibility for commercial pesticide applicators; 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 95 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; 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; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Froseth

**ABSENT AND NOT VOTING:** Boucher; Brekke

Engrossed HB 1439 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1440:** A BILL for an Act to amend and reenact section 57-38-30.3 of the North Dakota Century Code, relating to individual income tax determination under the simplified optional method of computing state income taxes; 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 NOT PASS, the roll was called and there were 28 YEAS, 68 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Carlson; Delmore; Ekstrom; Fairfield; Froelich; Glassheim; Gorder; Hanson; Huether; Jensen; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Maragos; Nelson; Nichols; Niemeier; Nowatzki; Sandvig; Solberg; Stefonowicz; Thorpe; Warner; Wentz; Winrich

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Grumbo; Gunter; Haas; Hawken; Henegar; Herbel; Hoffner; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Schmidt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher; Gullerson

Engrossed HB 1440 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1454:** A BILL for an Act to amend and reenact subsection 3 of section 57-39.2-02.1, subsection 9 of section 57-40.2-01, and subsection 3 of section 57-40.2-02.1 of the North Dakota Century Code, relating to sales and use taxes on coal and allocation of tax revenues; to repeal section 57-61-01.8 of the North Dakota Century Code, relating to a reduced severance tax for coal burned in small boilers; to provide a statement of legislative intent; to provide an effective date; 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; 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; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher; Galvin

Engrossed HB 1454 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1457:** A BILL for an Act to require the posting and publishing of notices regarding permit applications for confined animal feeding operations.

#### 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 29 YEAS, 67 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleston; Hoffner; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Metcalf; Meyer; Mueller; Nichols; Niemeier; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Thorpe; Warner; Winrich

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Froseth; Gorder; Grande; Grosz; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher; Galvin

Engrossed HB 1457 was declared lost.

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#### SECOND READING OF HOUSE BILL

**HB 1460:** A BILL for an Act to create and enact a new section to chapter 11-33.2 of the North Dakota Century Code, relating to modification of subdivision building restrictions; and to repeal section 47-04-25.1 of the North Dakota Century Code, relating to modifications of covenants running with the land.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 59 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Cleary; Delmore; Ekstrom; Fairfield; Froelich; Gorder; Grumbo; Gulleston; Haas; Hanson; Hawken; Hoffner; Huether; Johnson, D.; Kelsh, S.; Kerzman; Klein; Klemin; Kliniske; Koppang; Kroeber; Lundgren; Martinson; Metcalf; Meyer; Mueller; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Sveen; Thoreson, L.; Wikenheiser; Winrich

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth; Galvin; Glassheim; Grande; Grosz; Gunter; Henegar; Herbel; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Koppelman; Lemieux; Lloyd; Mahoney; Maragos; Mickelson; Monson; Nelson; Nicholas; Nichols; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher

Engrossed HB 1460 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1468:** A BILL for an Act to amend and reenact section 39-12-04 of the North Dakota Century Code, relating to width and length limitations for truck-mounted haystack moving equipment.

**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, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Koppang; Koppelman; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Poolman; Porter; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Keiser; Kelsch, R.; Kliniske; Kroeber; Pollert; Price; Weisz

**ABSENT AND NOT VOTING:** Boucher; Niemeier; Solberg

Engrossed HB 1468 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1019:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of economic development and finance and to the agricultural products utilization commission for grants; to provide for transfers of funds; to amend and reenact sections 4-14.1-07 and 57-43.1-03.1 of the North Dakota Century Code, relating to ethanol plant production incentives for fuel used for agricultural purposes; 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 88 YEAS, 4 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Froelich; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rose; Sandvig; Schmidt; Severson; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Delzer; Froseth; Kelsch, R.; Rennerfeldt

**ABSENT AND NOT VOTING:** Boucher; Fairfield; Kelsh, S.; Maragos; Niemeier; Solberg

Engrossed HB 1019 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1233:** A BILL for an Act to create and enact a new section to chapter 15-54 of the North Dakota Century Code, relating to training for food service personnel; and to repeal section 15-54-08 of the North Dakota Century Code, relating to health certificates for school food service personnel.

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

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

**NAYS:** Boehm; DeKrey; Delzer; Froelich; Gorder; Grosz; Hawken; Lemieux; Weisz

**ABSENT AND NOT VOTING:** Boucher; Niemeier

Engrossed HB 1233 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1256:** A BILL for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to the designation of industrial hemp as a noxious weed; and to amend and reenact subsection 13 of section 4-09-01 of the North Dakota Century Code, relating to the definition of noxious weed seeds.

**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, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grosz; Grumbo; Gulleston; 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; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Byerly; Carlisle; Carlson; Clark; Delzer; Grande; Gunter

**ABSENT AND NOT VOTING:** Boucher; Niemeier; Thoreson, B.

Engrossed HB 1256 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1266:** A BILL for an Act relating to the expenditure of bureau funds for capital purchases; to provide a continuing appropriation; to provide an expiration date; and to declare an emergency.

**MOTION**

**REP. RENNER MOVED** the previous question, which motion prevailed on a verification vote.

**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 62 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth;

Galvin; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Martinson; Metcalf; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Carlisle; Cleary; Delmore; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleeson; Hanson; Hoffner; Kelsh, S.; Kerzman; Klein; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Meyer; Mueller; Nichols; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Sveen; Thorpe; Warner; Wentz; Winrich

**ABSENT AND NOT VOTING:** Boucher; Niemeier

Engrossed HB 1266 passed, the title was agreed to, but the emergency clause lost.

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### SECOND READING OF HOUSE BILL

**HB 1274:** A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code, relating to the interim reciprocity certification of teachers.

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grosz; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; 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; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Carlson; Grande; Hoffner

**ABSENT AND NOT VOTING:** Boucher; Dorso; Niemeier; Warner

Engrossed HB 1274 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1370:** A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code, relating to enforcement of requirements concerning teaching certificates; and to amend and reenact section 15-36-11 of the North Dakota Century Code, relating to requirements to hold teaching 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 86 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grosz; Grumbo; Gulleeson; Gunter; 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; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Carlson; Ekstrom; Gorder; Grande; Haas; Lloyd; Lundgren; Solberg; Stefonowicz; Winrich

**ABSENT AND NOT VOTING:** Boucher; Niemeier

Engrossed HB 1370 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1402:** A BILL for an Act to create and enact chapter 57-38.6 of the North Dakota Century Code, relating to an agricultural processing business investment income tax credit; 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 NOT PASS, the roll was called and there were 20 YEAS, 75 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Dalrymple; Fairfield; Froelich; Grosz; Grumbo; Gulleson; Hoffner; Kerzman; Lundgren; Meyer; Mueller; Nichols; Nowatzki; Rose; Sandvig; Solberg; Stefonowicz; Thorpe; Warner

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Gorder; Grande; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Schmidt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher; Monson; Niemeier

Engrossed HB 1402 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1405:** A BILL for an Act to amend and reenact section 39-12-02 of the North Dakota Century Code, relating to applications for moving manufactured buildings and modular units.

### 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, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; 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; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** DeKrey

**ABSENT AND NOT VOTING:** Boucher; Fairfield; Maragos; Niemeier

Engrossed HB 1405 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1441:** A BILL for an Act to provide for minimum safety standards for passenger contract carriers.

**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, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Brusegaard; DeKrey; Haas; Meyer; Pollert; Poolman; Weisz

**ABSENT AND NOT VOTING:** Boucher; Fairfield; Niemeier

Engrossed HB 1441 passed and the title was agreed to.

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**MOTION**

**REP. DORSO MOVED** that the House stand in recess until 10:15 a.m., which motion prevailed.

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

**SECOND READING OF HOUSE BILL**

**HB 1451:** A BILL for an Act to create and enact sections 49-21-23, 49-21-24, 49-21-25, 49-21-26, and 49-21-27 of the North Dakota Century Code, relating to right-of-way fees; to amend and reenact section 49-21-01 of the North Dakota Century Code, relating to telecommunications definitions; and to provide for retroactive application.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 78 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo; Gunter; Haas; Hawken; Henegar; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Eckre; Ekstrom; Fairfield; Glassheim; Gorder; Guleson; Hanson; Herbel; Hoffner; Kelsh, S.; Kroeber; Lundgren; Metcalf; Mueller; Rose; Sandvig; Thorpe; Warner; Winrich

**ABSENT AND NOT VOTING:** Boucher

Engrossed HB 1451 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1462:** A BILL for an Act to create and enact sections 57-43.1-02.2, 57-43.1-12.1, 57-43.2-03.1, 57-43.2-04.4, 57-43.2-38, 57-43.3-02.2, 57-43.3-09, 57-43.3-14, 57-43.3-18, 57-43.3-28, and chapter 57-43.4 of the North Dakota Century Code, relating to collection by the supplier of motor vehicle, special fuels, aviation fuels, and alternative fuels taxes, taxation of inventories, administration, enforcement, and penalties; to amend and reenact sections 57-43.1-02, 57-43.1-14, 57-43.1-16, 57-43.1-24, 57-43.1-26, 57-43.2-01, 57-43.2-02, 57-43.2-03, 57-43.2-04.1, 57-43.2-05, 57-43.2-07, 57-43.2-11, 57-43.2-21, and 57-43.3-02 of the North Dakota Century Code, relating to collection by suppliers of motor vehicle, special fuels, aviation fuels, and

alternative fuels taxes, taxation of inventories, administration, enforcement, and penalties; to repeal sections 57-43.1-27 and 57-43.3-24 of the North Dakota Century Code, relating to motor vehicle fuels tax imposition and credit for losses and aviation fuel taxes collection allowances; 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 50 YEAS, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Brekke; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Disrud; Dorso; Eckre; Galvin; Gorder; Grande; Grosz; Gunter; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, N.; Keiser; Kelsch, R.; Klein; Klemm; Kliniske; Koppang; Koppelman; Maragos; Mickelson; Monson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Boehm; Brandenburg; Brusegaard; Byerly; Cleary; Devlin; Drovdal; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Grumbo; Gulleeson; Haas; Hanson; Hoffner; Johnson, D.; Kelsh, S.; Kempenich; Kerzman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mueller; Nelson; Nichols; Niemeier; Nowatzki; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Sveen; Thorpe; Warner; Winrich

**ABSENT AND NOT VOTING:** Boucher

Engrossed HB 1462 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1465:** A BILL for an Act to amend and reenact section 4-34-01 of the North Dakota Century Code, relating to the purposes of the Beef Promotion Act.

#### 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 96 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; 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; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Delzer

**ABSENT AND NOT VOTING:** Boucher

Engrossed HB 1465 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1490:** A BILL for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to length of the school year.

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; 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; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Delzer; Drovdal; Grosz

**ABSENT AND NOT VOTING:** Boucher

Engrossed HB 1490 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1492:** A BILL for an Act to provide for renaissance zones in cities and to provide tax exemptions and credits for investments in renaissance zones; and to provide an effective date.

### MOTION

**REP. DEKREY MOVED** the previous question, which motion prevailed.

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

**YEAS:** Belter; Berg; Bernstein; Brekke; Brusegaard; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Henegar; Herbel; Huether; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lemieux; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Sandvig; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Boehm; Brandenburg; Byerly; Cleary; Delmore; Delzer; Fairfield; Froelich; Glassheim; Gorder; Grumbo; Gullerson; Gunter; Hanson; Hoffner; Jensen; Kerzman; Kroeber; Lloyd; Lundgren; Mahoney; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Schmidt; Solberg; Stefonowicz; Sveen; Thorpe; Warner; Winrich

**ABSENT AND NOT VOTING:** Boucher

Engrossed HB 1492 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1461:** A BILL for an Act to amend and reenact subsection 1 of section 10-06.1-10 of the North Dakota Century Code, relating to the acquisition of farmland or ranchland by nonprofit organizations.

### 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 31 YEAS, 66 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Brandenburg; Brusegaard; DeKrey; Drovdal; Froelich; Froseth; Gorder; Grumbo; Gullerson; Haas; Kempenich; Kerzman; Lemieux; Lloyd; Lundgren; Meyer; Mueller; Nelson; Nicholas; Nichols; Niemeier; Pollert; Price; Sandvig; Solberg; Stefonowicz; Tollefson; Warner; Weisz

**NAYS:** Berg; Bernstein; Boehm; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Eckre; Ekstrom; Fairfield; Galvin; Glassheim;

Grande; Grosz; Gunter; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Monson; Nottestad; Nowatzki; Poolman; Porter; Renner; Rennerfeldt; Rose; Schmidt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher

HB 1461 was declared lost.

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**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Senator Stan Wright

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3026:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a state college savings plan providing a state tuition tax credit or providing for a prepaid college tuition program.

**ROLL CALL**

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Devlin; Disrud; Dorso; 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; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** DeKrey; Drovdal; Warner; Weisz

**ABSENT AND NOT VOTING:** Boucher; Delzer

HCR 3026 was declared adopted.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3028:** A concurrent resolution to create and enact a new section to the Constitution of North Dakota, relating to requiring recipients of state funding for economic development projects to pay wages at least equal to one hundred percent of the federal poverty level for a family of four.

**ROLL CALL**

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 34 YEAS, 61 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleson; Hanson; Hoffner; Jensen; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Sveen; Thorpe; Warner; Winrich

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Froseth; Galvin; Gorder; Grande; Grosz; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher; Huether; Maragos

HCR 3028 was declared lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3034:** A concurrent resolution directing the Legislative Council to study the impact on state and local government entities and on businesses of having the state divided between two time zones.

**ROLL CALL**

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 75 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boehm; Cleary; Ekstrom; Fairfield; Grumbo; Gullerson; Hoffner; Kelsh, S.; Kerzman; Lemieux; Lundgren; Meyer; Niemeier; Renner; Rose; Sandvig; Schmidt; Thorpe; Speaker Wald

**NAYS:** Belter; Berg; Bernstein; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; 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; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Rennerfeldt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich

**ABSENT AND NOT VOTING:** Boucher; Dorso; Huether

HCR 3034 was declared lost.

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**MOTION**

**REP. DORSO MOVED** that HCR 3036, HCR 3040, HCR 3043, HCR 3048, and HB 1035 be placed at the bottom of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1092:** A BILL for an Act to amend and reenact subsection 4 of section 52-06-01 of the North Dakota Century Code, relating to unemployment compensation benefits waiting periods.

**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 3 YEAS, 94 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Maragos; Niemeier

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; 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; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher

HB 1092 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1302:** A BILL for an Act providing an appropriation for the support of guardianship services programs by the department of human services.

**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 41 YEAS, 55 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Gorder; Grumbo; Gulleston; Hanson; Hawken; Hoffner; Huether; Jensen; Kelsch, R.; Kelsh, S.; Kerzman; Kliniske; Kroeber; Lemieux; Lundgren; Mahoney; Metcalf; Mueller; Nichols; Niemeier; Nowatzki; Pollert; Porter; Price; Rose; Sandvig; Schmidt; Solberg; Stefanowicz; Sveen; Thorpe; Warner; Winrich

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Froseth; Galvin; Grande; Gunter; Haas; Henegar; Herbel; Johnson, D.; Johnson, N.; Keiser; Kempenich; Klein; Klemin; Koppang; Koppelman; Lloyd; Maragos; Martinson; Meyer; Mickelson; Monson; Nelson; Nicholas; Nottestad; Poolman; Renner; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher; Grosz

HB 1302 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1334:** A BILL for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to certification of agricultural products as free of noxious weeds; 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 12 YEAS, 85 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Fairfield; Grumbo; Gulleston; Kelsh, S.; Lemieux; Lundgren; Nelson; Nichols; Niemeier; Thorpe; Winrich

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

**ABSENT AND NOT VOTING:** Boucher

HB 1334 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1355:** A BILL for an Act to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to adoption of the midwestern regional higher education compact.

**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, 80 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Delmore; Fairfield; Glassheim; Grumbo; Guleson; Hawken; Jensen; Kroeber; Lundgren; Maragos; Sandvig; Sveen; Thorpe; Wentz

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Gorder; Grande; Grosz; Gunter; Haas; Hanson; Henegar; Herbel; Hoffner; Huether; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher; Lemieux; Niemeier

HB 1355 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1368:** A BILL for an Act to amend and reenact section 61-16.1-63 of the North Dakota Century Code, relating to the penalty for violating rules adopted by a water resource district.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 91 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Gorder; Herbel; Kerzman

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

**ABSENT AND NOT VOTING:** Boucher; Lemieux; Niemeier

HB 1368 was declared lost.

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### 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 1303.

### 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 1005, HB 1006, HB 1008, HB 1010, HB 1013, HB 1014, HB 1018, HB 1040, HB 1128, HB 1144, HB 1152, HB 1156, HB 1169, HB 1260, HB 1296, HB 1300, HB 1324, HB 1336, HB 1337, HB 1347, HB 1364, HB 1396, HB 1398, HB 1410, HB 1411, HB 1412, HB 1418, HB 1428, HB 1429, HB 1431, HB 1487, HCR 3013, HCR 3018, HCR 3023, HCR 3027, HCR 3039, HCR 3041, HCR 3046, HCR 3047, HCR 3050.

### 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 1052, HB 1433, HCR 3011, HCR 3015, HCR 3021, HCR 3022, HCR 3044.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2090, SCR 4004.

### MOTION

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Tuesday, February 16, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1007: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1007 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "5,919,777" with "5,811,293"

Page 1, line 13, replace "2,029,278" with "1,978,278"

Page 1, line 14, replace "53,550" with "45,050"

Page 1, line 15, replace "482,220" with "432,220"

Page 1, line 16, replace "8,484,805" with "8,266,841"

Page 1, line 17, replace "5,979,296" with "5,938,446"

Page 1, line 18, replace "2,505,509" with "2,328,395"

Page 1, line 21, replace "485,300" with "462,667"

Page 1, line 22, replace "18,455" with "18,333"

Page 1, line 23, replace "466,845" with "444,334"

Page 1, line 24, replace "2,972,354" with "2,772,729"

Page 2, line 1, replace "5,997,751" with "5,956,779"

Page 2, line 2, replace "8,970,105" with "8,729,508"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**DEPARTMENT 313 - VETERANS HOME**

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,919,777	(\$108,484)	\$5,811,293
Operating expenses	2,029,278	(51,000)	1,978,278
Equipment	53,550	(8,500)	45,050
Major improvements	482,220	(50,000)	432,220
Grants			
Total all funds	\$8,484,825	(\$217,984)	\$8,266,841
Less special funds	<u>5,979,296</u>	<u>(40,850)</u>	<u>5,938,446</u>
General fund	\$2,505,529	(\$177,134)	\$2,328,395
FTE	84.61	0.00	84.61

Detail of House changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	CHANGE FUNDING FOR FIRE SPRINKLER SYSTEM	REDUCE FUNDING FOR TUCKPOINTING, ETC.	REDUCE FUNDING FOR SHIFT DIFFERENTIAL	REDUCE OPERATING EXPENSES
Salaries and wages	(\$66,734)	\$27,656			(\$33,100)	
Operating expenses						(\$51,000)
Equipment						
Major improvements				(\$50,000)		
Grants						
Total all funds	(\$66,734)	\$27,656	\$0	(\$50,000)	(\$33,100)	(\$51,000)
Less special funds			<u>50,750</u>	<u>(50,000)</u>	<u>(33,100)</u>	
General fund	(\$66,734)	\$27,656	(\$50,750)	\$0	\$0	(\$51,000)

REDUCE

	REDUCE EQUIPMENT	NURSES' SPECIAL SALARY INCREASE	TOTAL HOUSE CHANGES
Salaries and wages		(\$36,306)	(\$108,484)
Operating expenses			(51,000)
Equipment	(\$8,500)		(8,500)
Major improvements			(50,000)
Grants			
<b>Total all funds</b>	<b>(\$8,500)</b>	<b>(\$36,306)</b>	<b>(\$217,984)</b>
Less special funds	<u>(8,500)</u>		<u>(40,850)</u>
General fund	\$0	(\$36,306)	(\$177,134)

House changes narrative:  
The \$54,286 provided for nurses' special salary increases should be used on a priority basis for nursing employee positions where the salary is the farthest from the market.

DEPARTMENT 321 - DEPARTMENT OF VETERANS AFFAIRS  
HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Total all funds	\$485,300	(\$22,633)	\$462,667
Less special funds	<u>18,455</u>	<u>(122)</u>	<u>18,333</u>
General fund	\$466,845	(\$22,511)	\$444,334
FTE	5.00	0.00	5.00

Detail of House changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	DELAY DIRECTOR'S MARKET ADJUSTMENT TO JANUARY 1, 2001	GENERAL REDUCTION	TOTAL HOUSE CHANGES
Total all funds	(\$5,062)	\$1,710	(\$5,297)	(\$13,984)	(\$22,633)
Less special funds	<u>(173)</u>	<u>51</u>			<u>(122)</u>
General fund	(\$4,889)	\$1,659	(\$5,297)	(\$13,984)	(\$22,511)

**REPORT OF STANDING COMMITTEE**

**HB 1024: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1024 was placed on the Sixth order on the calendar.

Page 1, line 3, replace the second "and" with ", subsections 4 and 7 of section 28-32-02,"

Page 1, line 4, after "28-32-03.3" insert ", and section 28-32-04"

Page 1, line 5, replace "and" with ", administrative rulemaking procedures,"

Page 1, line 6, after "rules" insert ", and petitions for reconsideration of administrative rules" and remove "to repeal section 28-32-04 of the North Dakota Century Code, relating to"

Page 1, line 7, remove "petitions for reconsideration of administrative rulemaking;"

Page 1, line 13, remove the overstrike over "~~28-32-04~~" and remove "28-32-03.3"

Page 1, after line 15, insert:

**"SECTION 2. AMENDMENT.** Subsections 4 and 7 of section 28-32-02 of the 1997 Supplement to the North Dakota Century Code are amended and reenacted as follows:

4. The agency's notice of the proposed adoption, amendment, or repeal of a rule must include a short, specific explanation of the proposed rule and the purpose of the proposed rule, a determination of whether the proposed rulemaking is expected to have an impact on the regulated community in excess of fifty thousand dollars, identify at least one location where interested persons may review the text of the proposed rule, provide the address to which written data, views, or arguments concerning the proposed rule may be sent, provide a phone number at which a copy of the rules and regulatory analysis may be requested, and, in the case of a substantive rule, provide the time and place set for each oral hearing. The

notice must be filed with the office of the legislative council and published at least twice in each daily newspaper of general circulation published in this state. The agency shall mail a copy of the notice to each person who has made a timely request to the agency for a mailed copy of the notice. The agency may mail or otherwise provide a copy of the notice to any person who is likely to be an interested person. The agency shall mail or deliver a copy of the rules to any person requesting a copy. The agency may charge for the actual cost of providing copies of the proposed rule. At least ~~thirty~~ fourteen days must elapse between the later of the date of the second publication of the notice or the date the legislative council mails copies of an agency's notice and the date of the hearing. ~~The thirty day period begins on the first business day of the month in which the notices must be mailed or on the date of the second publication, whichever is later.~~ At least fourteen days before the hearing, the agency shall provide the attorney general a copy of the notice and the proposed rules. Subject to subsection 5, notices filed on or before the last calendar day of the preceding month must be mailed by the legislative council on the first business day of the following month to any person making a request. The agency shall allow, after the conclusion of any rulemaking hearing, a comment period of not less than ~~thirty~~ fourteen days during which data, views, or arguments concerning the proposed rulemaking will be received by the agency and made a part of the rulemaking record to be considered by the agency.

7. Every rule ~~proposed~~ submitted to the attorney general by any administrative agency must be ~~submitted to~~ reviewed by the attorney general for an opinion as to its legality before final adoption, ~~and the~~. The attorney general shall ~~promptly~~ promptly furnish ~~each such~~ the agency a preliminary opinion, based upon the rules as submitted, by the close of the comment period for those rules. After the close of the comment period, the agency shall advise the attorney general of each change to the proposed rules made in contemplation of final adoption and the attorney general shall promptly furnish an opinion as to legality of the rules contemplated for final adoption. The attorney general may not approve any rule as to legality when the rule exceeds the statutory authority of the agency or is written in a manner that is not concise or easily understandable, or when the procedural requirements for adoption of the rule in this chapter are not substantially met. The attorney general shall advise an agency of any revision or rewording of a rule necessary to correct objections as to legality."

Page 2, line 2, after the period insert "The membership of the administrative rules committee must include an equal number of members from each of the two political parties having the most members in the legislative assembly."

Page 3, line 14, replace "The" with "Upon request of any person substantially interested in the effect of a rule who has previously petitioned the adopting agency for review of the rule under section 28-32-04 or upon request of the adopting agency, the"

Page 3, line 20, after the underscored period insert "Notice of the time and place the rule will be reviewed must be published at least twice in each daily newspaper of general circulation published in this state."

Page 3, replace lines 21 and 22 with:

**"SECTION 6. AMENDMENT.** Section 28-32-04 of the North Dakota Century Code is amended and reenacted as follows:

**28-32-04. Petition for reconsideration review of rule - Hearing by agency.** Any person substantially interested in the effect of a rule adopted by an administrative agency may petition such agency for a ~~reconsideration~~ review of the effect and consideration of any such the rule or for ~~an~~ consideration of amendment or repeal ~~thereof~~ of the rule. ~~Such~~ The petition must state clearly and concisely the petitioners' alleged grounds for ~~such reconsideration~~ the review, or for the proposed repeal or amendment of ~~such~~ the rule. The agency ~~in its discretion~~ shall grant the petitioner a public hearing if the petitioner has not previously petitioned the agency under this section and otherwise may grant the petitioner a public hearing, upon such terms and conditions as the agency may prescribe."

Page 3, line 23, after the second period insert "Section 2 of this Act is effective for administrative rulemaking proceedings for which the notice of rulemaking is published after July 31, 1999.", replace "2" with "3", and replace "4" with "5"

Page 3, line 25, replace "3" with "4"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1043, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1043 was placed on the Sixth order on the calendar.

Page 1, line 4, after the second semicolon insert "to provide an appropriation;"

Page 3, line 15, remove "sexual preference."

Page 3, line 16, remove "or public assistance"

Page 3, line 20, remove "sexual preference."

Page 3, line 21, remove "or public assistance"

Page 3, line 29, remove "or public"

Page 3, line 30, remove "assistance"

Page 4, line 3, remove "or public assistance"

Page 4, line 8, remove "or public assistance"

Page 5, line 28, remove "or public assistance"

Page 6, line 6, remove "or public"

Page 6, line 7, remove "assistance"

Page 7, line 14, remove "or public assistance"

Page 16, line 16, remove "or public assistance"

Page 16, line 25, remove "or public assistance"

Page 16, line 30, remove "or public assistance"

Page 17, after line 3, insert:

**"SECTION 4. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$29,000, or so much of the sum as may be necessary, and federal funds of \$159,000 to the labor commissioner for the purpose of providing services to prevent discrimination in North Dakota, including employment discrimination and unfair housing practices, for the biennium beginning July 1, 1999, and ending June 30, 2001."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 406 - LABOR COMMISSIONER

HOUSE - This amendment adds an appropriation of \$29,000 from the general fund and \$159,000 from federal funds to the Labor Commissioner for the provision of services to prevent employment discrimination and unfair housing practices. It is the intent that \$10,000 of the amount appropriated to the Labor Commissioner in 1999 Senate Bill No. 2007 is also to be considered as matching funds for the \$159,000.

#### REPORT OF STANDING COMMITTEE

**HB 1091: 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 1091 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "on and"

Page 1, line 9, overstrike "after July 1, 1973"

Page 2, line 11, overstrike "For benefit years beginning after August 8,"

Page 2, line 12, overstrike "1987, the" and insert immediately thereafter "The" and overstrike "sixty" and insert immediately thereafter "sixty-two"

Page 2, line 14, overstrike "beginning with"

Page 2, overstrike lines 15 and 16

Page 2, line 17, overstrike "benefit amount is", remove "sixty-five", and overstrike "percent of the "average weekly wage","

Page 2, overstrike line 18

Page 2, line 21, remove the overstrike over "~~this state's average contribution rate is below the nationwide~~"

Page 2, line 22, remove the overstrike over "~~average for the preceding calendar year;~~" and remove the overstrike over "~~the maximum weekly benefit~~"

Page 2, remove the overstrike over line 23

Page 2, line 24, remove the overstrike over "~~next lower multiple of one dollar if not a multiple of one dollar.~~"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1135: 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 1135 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "each October first after October 1, 2000." with "October 1, 1999, the required amount of the trust fund reserve becomes a targeted amount as determined under this subsection. The solvency target is an average high cost multiple of one. The average high cost multiple is the number of years the bureau could pay unemployment compensation, based on the reserve ratio, if the bureau paid the compensation at a rate equivalent to the average benefit cost rate in the one calendar year during the preceding twenty calendar years and the two calendar years during the preceding ten calendar years in which the benefit cost rates were the highest. "Reserve ratio" means the ratio determined by dividing the balance in the trust fund reserve at the end of the calendar year by the total covered wages in the state for that year. "Benefit cost rate" means the rate determined by dividing the unemployment compensation benefits paid during a calendar year by the total covered wages in the state for that year. The computation of the reserve ratio and benefit cost rate must exclude the wages and unemployment compensation paid by employers covered under section 3309 of the Internal Revenue Code of 1986, as amended, [26 U.S.C. 3309]. Progress towards achieving the targeted amount of the trust fund reserve is measured by reducing any difference between one and the average high cost multiple of the state by an amount that is at least fourteen percent of this difference. If the trust fund reserve reaches or exceeds the targeted amount and if the calendar year annual average insured unemployment rate is above three percent and has increased one hundred ten percent of the average of the preceding two calendar years, a tax rate will be set to provide for fifty percent of the additional revenue needed for the trust fund to be derived from tax rate increases and the remaining fifty percent becomes a drawdown against the trust fund reserve. When the trust fund reserve is being rebuilt, rates will not be lowered until the target level is reached."

Page 1, remove lines 16 through 18

Page 2, replace lines 1 and 2 with "If the positive employer maximum rate is at least one percent, the positive employer minimum rate is the positive employer maximum rate"

minus nine-tenths of one percent. If the positive employer maximum rate is less than one percent, the range for the positive employer minimum rate must be at least one-tenth of one percent and must be less than two-tenths of one percent (the minimum of one-tenth of one percent plus the increment of one-tenth of one percent), with the positive employer minimum rate equal to the positive employer maximum rate minus a multiple of the increment one-tenth of one percent as provided in subsection 2 of section 52-04-06 to fall within the range described above. A future rate schedule that would generate less income than any past rate schedule may not be used."

Page 2, line 3, remove "whichever is greater."

Page 2, line 4, replace "six" with "five"

Page 2, line 9, replace "one and eight-tenths" with "three and six-tenths"

Page 3, line 8, remove the overstrike over "a rate" and insert immediately thereafter "that is one hundred fifty percent" and remove the overstrike over "of"

Page 3, line 9, after "rate" insert "or a rate of one percent, whichever is greater."

Page 4, line 6, replace "each October first after October 1, 2000," with "October 1, 1999, the required amount of the trust fund reserve becomes a targeted amount as determined under this subsection. The solvency target is an average high cost multiple of one. The average high cost multiple is the number of years the bureau could pay unemployment compensation, based on the reserve ratio, if the bureau paid the compensation at a rate equivalent to the average benefit cost rate in the one calendar year during the preceding twenty calendar years and the two calendar years during the preceding ten calendar years in which the benefit cost rates were the highest. "Reserve ratio" means the ratio determined by dividing the balance in the trust fund reserve at the end of the calendar year by the total covered wages in the state for that year. "Benefit cost rate" means the rate determined by dividing the unemployment compensation benefits paid during a calendar year by the total covered wages in the state for that year. The computation of the reserve ratio and benefit cost rate must exclude the wages and unemployment compensation paid by employers covered under section 3309 of the Internal Revenue Code of 1986, as amended, [26 U.S.C. 3309]. Progress towards achieving the targeted amount of the trust fund reserve is measured by reducing any difference between one and the average high cost multiple of the state by an amount that is at least fourteen percent of this difference. If the trust fund reserve reaches or exceeds the targeted amount and if the calendar year annual average insured unemployment rate is above three percent and has increased one hundred ten percent of the average of the preceding two calendar years, a tax rate will be set to provide for fifty percent of the additional revenue needed for the trust fund to be derived from tax rate increases and the remaining fifty percent becomes a drawdown against the trust fund reserve. When the trust fund reserve is being rebuilt, rates will not be lowered until the target level is reached."

Page 4, remove lines 7 through 9

Page 4, replace lines 16 and 17 with "If the positive employer maximum rate is at least one percent, the positive employer minimum rate is the positive employer maximum rate minus nine-tenths of one percent. If the positive employer maximum rate is less than one percent, the range for the positive employer minimum rate must be at least one-tenth of one percent and must be less than two-tenths of one percent (the minimum of one-tenth of one percent plus the increment of one-tenth of one percent), with the positive employer minimum rate equal to the positive employer maximum rate minus a multiple of the increment one-tenth of one percent as provided in subsection 2 of section 52-04-06 to fall within the range described above. A future rate schedule that would generate less income than any past rate schedule may not be used."

Page 4, line 18, remove "whichever is greater."

Page 4, line 19, replace "six" with "five"

Page 4, line 24, replace "one and eight-tenths" with "three and six-tenths"

Page 5, line 16, remove the overstrike over "a rate" and insert immediately thereafter "that is one hundred fifty percent" and remove the overstrike over "of"

Page 5, line 17, after "rate" insert "or a rate of one percent, whichever is greater."

Page 6, line 13, overstrike "cumulative" and insert immediately thereafter "six-year"

Page 6, line 15, overstrike "cumulative" and insert immediately thereafter "six-year"

Page 7, line 1, replace "two-tenths" with "one-tenth"

Page 7, line 3, replace "two-tenths" with "one-tenth"

Page 7, line 9, replace "two-tenths" with "four-tenths"

Page 7, line 11, replace "two-tenths" with "four-tenths"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1158: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1158 was placed on the Sixth order on the calendar.

Page 2, line 6, remove "from a practice location outside this"

Page 2, line 7, remove "state" and remove "with the"

Page 2, remove line 8

Page 2, line 9, remove "a consultation provided by telephone or facsimile"

Page 7, line 1, overstrike "commission on medical competency" and insert immediately thereafter "investigative panel"

Page 7, line 3, overstrike "commission" and insert immediately thereafter "investigative panel"

Page 7, line 4, replace "in consultation with" with "under the supervision of"

Page 7, line 5, remove "and is primarily responsible for the"

Page 7, line 6, remove "care of the patient"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1165: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1165 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "public"

Page 1, line 3, remove "; and to provide a continuing appropriation"

Page 1, line 9, remove "1."

Page 1, line 15, remove "2."

Page 1, line 17, remove the overstrike over "~~and all institutional income from tuition collections must be placed in the~~"

Page 1, line 18, remove the overstrike over "~~special fund for the use of the institution for which the money was raised~~"

Page 1, line 23, remove the overstrike over "~~Moneys in the special revenue~~"

Page 1, line 24, remove the overstrike over "~~fund are subject to legislative appropriations.~~" and remove "public"

Page 2, line 2, remove "tuition,"

Page 2, line 5, remove "public"

Page 2, remove line 8

Page 2, line 9, remove "appropriated, subject to board of higher education approval." and remove "fund"

Page 2, line 10, remove the overstrike over "~~of revenue and expenditures of the other funds by source of funds~~"

Page 2, line 12, remove the overstrike over "~~special revenue fund and~~"

Page 2, line 14, remove "3."

Page 2, line 21, remove "4."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1252: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1252 was placed on the Sixth order on the calendar.

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

Page 1, after line 12, insert:

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1291: Transportation Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1291 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "39-06-03.1,", after the fifth comma insert "subsection 1 of section 39-06-14,", and after "and" insert "section"

Page 1, line 12, remove the overstrike over "~~To any person who is under the age of sixteen years, except that the director may~~"

Page 1, line 13, remove the overstrike over "~~issue~~" and insert immediately thereafter "an instructional permit,", remove the overstrike over "~~a restricted~~" and insert immediately thereafter "instructional", remove the overstrike over "~~permit~~" and insert immediately thereafter an underscored comma, remove the overstrike over "~~or~~" and insert immediately thereafter "restricted", remove the overstrike over "~~license~~", after "in" insert "under", remove the overstrike over "~~sections~~" and insert immediately thereafter "39-06-04," and remove the overstrike over "~~39-06-05~~" and insert immediately thereafter an underscored comma

Page 1, remove the overstrike over line 14

Page 1, line 15, remove the overstrike over "~~2.~~"

Page 1, line 19, remove the overstrike over "~~3.~~" and remove "2."

Page 1, line 22, remove the overstrike over "~~4.~~" and remove "3."

Page 2, line 1, remove the overstrike over "~~5.~~" and remove "4."

Page 2, line 3, remove the overstrike over "~~6.~~" and remove "5."

Page 2, line 6, remove the overstrike over "~~7.~~" and remove "6."

Page 2, line 9, remove the overstrike over "~~8.~~" and remove "7."

Page 2, remove lines 13 through 21

Page 2, line 30, replace "twenty-two" with "eighteen"

Page 3, line 30, replace "twenty-two" with "eighteen"

Page 4, line 5, after "instruction" insert "as approved by the superintendent of public instruction"

Page 4, after line 6, insert:

"b. Completed fifty hours of driving with that minor's parent or guardian in compliance with the department rules designed for experience in various day and night driving conditions."

Page 4, line 7, replace "b" with "c" and replace "an equal" with "a"

Page 4, line 10, replace "c" with "d" and replace "subdivisions a and b" with "this subsection"

Page 4, line 23, after "ranching" insert "or for driving directly between work, home, a sanctioned school activity, or a church activity"

Page 4, line 29, replace "twenty-two" with "eighteen"

Page 5, line 1, replace "eighteen" with "sixteen"

Page 5, line 8, remove "restricted"

Page 6, after line 31, insert:

**"SECTION 7. AMENDMENT.** Subsection 1 of section 39-06-14 of the North Dakota Century Code is amended and reenacted as follows:

1. The director, upon payment of a ten dollar fee, shall issue to every qualified applicant for a restricted license under section 39-06-17 an operator's license as applied for in the form prescribed by the director. The license must bear a distinguishing number assigned to the licensee, a color photograph of the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write the licensee's usual signature. If the licensee is under the age of twenty-one, the photograph must be against a color border or background that is different from the color used for other licensees. If requested on the license application, the license issued by the director must include a statement making an anatomical gift under chapter 23-06.2. No license is valid until it has been signed by the licensee with the licensee's usual signature. The department shall develop a system to require each applicant for an operator's license or renewal of an operator's license to determine whether or not the applicant wishes to be a donor under chapter 23-06.2. For purposes of verification, an officer may require the licensee to write the licensee's signature in the presence of the officer. The director may adopt rules, pursuant to chapter 28-32, relating to the manner in which photographs are to be obtained and placed on operator's licenses. The photograph may be produced by digital imaging or other electronic means and is not a public record."

Page 7, line 3, remove "permits and"

Page 8, line 6, replace "eighteen" with "sixteen"

Page 8, line 13, after "or" insert "restricted"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1294: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1294 was placed on the Sixth order on the calendar.

Page 1, line 14, after "a" insert "recipient"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1344: Transportation Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1344 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two" with "a" and replace "sections" with "section"

Page 1, line 2, replace "issuance of current design and" with "commemorative"

Page 1, remove lines 5 through 9

Page 1, line 15, after the period insert "The plate may not be displayed on a vehicle after December 31, 2006."

Page 1, line 16, replace "August 1" with "December 31" and replace "2001" with "2006"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1358: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1358 was placed on the Sixth order on the calendar.

Page 1, line 5, replace the colon with "is"

Page 1, remove line 6

Page 1, line 7, remove "b. Is"

Page 1, line 9, remove "journeyman fire sprinkler fitter and a"

Page 1, line 10, replace the semicolon with a period

Page 1, remove lines 11 and 12

Page 1, line 17, after the semicolon insert "who certifies to the board that the contractor's apprentices are enrolled in a training program approved by the board or a nationally recognized training program;"

Page 1, line 19, replace "state fire marshal" with "board"

Page 1, line 24, replace "and" with "or"

Page 2, line 1, replace "designer's" with "contractor's" and replace "or" with ", if that state meets or exceeds the licensing requirements of this Act,"

Page 2, line 2, remove "Canadian province" and replace "state fire marshal" with "board"

Page 2, line 15, replace the colon with "with"

Page 2, line 16, remove "a. With" and replace the semicolon with "and who"

Page 2, remove lines 17 and 18

Page 2, line 19, remove "d. Who"

Page 2, line 22, replace "an employee of the state fire" with "either a fire sprinkler contractor or a journeyman fire sprinkler fitter"

Page 2, line 23, remove "marshal, and that member shall serve as secretary of the board"

Page 2, line 24, remove "local" and remove "licensed"

Page 3, line 3, remove "and journeyman fire sprinkler fitters"

Page 3, line 4, replace "Fees and fines; and" with "Penalty fees for violations of this Act;"

Page 3, line 5, replace the period with "; and"

d. Plan review and inspections."

Page 3, line 6, replace "state fire marshal is responsible for registration of fire sprinkler journeyman" with "board shall register designers and contractors."

3. The board shall adopt licensing requirements that allow persons who have practiced for at least eight months as of August 1, 1999, to be licensed without additional training or examination."

Page 3, remove line 7

Page 3, line 10, remove "journeyman sprinkler fitter or a"

Page 3, line 11, after "contractor" insert "or an employee of the contractor designated by the contractor for that purpose", after "installations" insert ", but an emergency repair must be inspected by a contractor or an employee designated by the contractor for that purpose", and remove "An"

Page 3, remove lines 12 and 13

Page 3, line 14, replace "state fire marshal" with "board"

Page 3, line 16, after "revoked" insert "or modified by the board"

Page 3, line 17, replace "state fire marshal" with "board"

Page 3, remove lines 18 through 22

Page 3, line 24, replace "state fire marshal" with "board"

Page 3, line 26, remove "A designer may"

Page 3, line 27, remove "not be a qualifier or license holder for more than one fire sprinkler contractor at a time."

Page 3, line 28, replace "state fire" with "board."

Page 3, remove lines 29 through 31

Page 4, remove lines 1 through 4

Page 4, line 23, replace "state fire" with "board."

Page 4, remove line 24

Page 4, line 29, replace "contractors" with "contractor" and after the second comma insert "no more than"

Page 4, line 31, remove ", service contracts, and fire sprinkler work performed"

Page 5, remove lines 1 and 2

Page 5, line 3, replace "5" with "3"

Page 5, line 4, remove "first willful"

Page 5, line 5, replace ", and the" with ". The", replace "impose" with "establish", replace "five hundred" with "one thousand", after "dollars" insert "for each violation by a licensee or registrant of this Act or of rules established by the board", and remove "A"

Page 5, remove lines 6 through 9

Page 5, remove lines 17 and 18

Page 5, line 19, replace "5" with "4"

Page 5, after line 26, insert:

"SECTION 12. **Single-family dwellings.** This Act does not apply to the owner and occupant of a single-family dwelling.

SECTION 13. **EFFECTIVE DATE.** Sections 4, 5, 6, 7, 8, 9, 10, and 11 of this Act become effective on August 1, 2000."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1389: Transportation Committee (Rep. Keiser, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1389 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to release of motor vehicle operator records; to provide a penalty; to provide for retroactive application; and to declare an emergency.

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

SECTION 1. **AMENDMENT.** Section 39-16-03 of the North Dakota Century Code is amended and reenacted as follows:

##### 39-16-03. ~~Abstract~~ Driving records - Not admissible in evidence - Fee - Penalty.

1. The director upon request shall furnish any person a certified abstract of the operating record of any person, source document therefor, or record of clearance, subject to ~~the provisions of this chapter which title.~~ The abstract must include the convictions, adjudications, and admissions of commission of traffic offenses of any driver and suspensions, revocations, and restrictions of a person's driving privileges. Any person, except the subject of the record and law enforcement or judicial officers functioning in their official capacity, requesting the abstract or record of clearance shall indicate in writing the reason for the request and shall identify the person or firm for whom or which the request is made and the intended recipient of the ~~abstract record.~~

Copies of abstracts are not admissible as evidence in any civil or criminal trial arising out of a motor vehicle accident. Upon request and subject to the provisions of this title, the director shall furnish an operating record or complete operating record to the subject of the record or to law enforcement or judicial officers.

2. A fee of three dollars must be paid for each abstract of any operating record, operating record, complete operating record, or record of clearance, and a reasonable fee must be paid for each source document, except no fee ~~will~~ may be assessed to law enforcement agencies or judicial officers. The director shall send an additional copy of the abstract or record of clearance to the driver whose ~~abstract~~ record was requested, accompanied by a statement identifying the person making the request, identifying the person or firm for whom or which the request is made, identifying the intended recipient of the ~~abstract record,~~ and providing the reason for the request. No additional copy of the abstract or statement record of clearance may be sent to a driver ~~where~~ if the request for the ~~driver's abstract record~~ was made by the federal bureau of investigation or the United States central intelligence agency, or their agents, or by any law enforcement agency ~~of this state, or of its political subdivisions~~ or judicial officer.
3. A requester obtaining source documents in aggregate form from the department shall send an additional copy of each source document to the subject of the record, accompanied by a statement identifying the requester and the reason the record was obtained. If the requester provides a source document, or any information therein, to any other person or firm, the requester shall send to the subject of the record a statement identifying the person or firm and the source document and a copy of any compilation

derived from source documents provided to the person or firm. Any person or entity obtaining source documents in aggregate form under this section shall comply with the confidentiality and nondisclosure of information provisions of chapter 39-33 and sections 39-06-14, 39-06.1-10, and 39-16-03.1. A record compiled from source documents obtained in aggregate form under this section is not admissible as evidence in any civil or criminal trial arising out of a motor vehicle accident. A person violating this subsection is guilty of a class A misdemeanor.

4. As used in this section, "reasonable fee" includes:
- a. The actual cost of making or mailing a copy of the source document, or both, including labor, materials, postage, and equipment; and
  - b. Notwithstanding subsection 2 of section 44-04-18, in response to a request for source documents in aggregate form, the cost associated with locating, reviewing, or providing access to the source document and any cost associated with excising confidential or closed materials under section 44-04-18.8.

**SECTION 2. RETROACTIVE APPLICATION OF ACT.** This Act is retroactive in application.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1403: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1403 was placed on the Sixth order on the calendar.

Page 1, line 7, after "within" insert "a residential treatment center for children licensed under chapter 25-03.2,"

Page 1, line 8, after "25-16" insert ", or a residential child care facility licensed under chapter 50-11"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1404: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1404 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "32,"

Page 1, line 7, remove "to provide an appropriation; to provide a"

Page 1, line 8, remove "continuing appropriation;"

Page 1, line 21, after the period insert "If on the first day of July in any year the amount of money in the petroleum release compensation fund is less than five million dollars, the annual registration fee of fifty dollars is increased to one hundred dollars. If on the first day of July in any year the amount of money in the petroleum release compensation fund is five million five hundred thousand dollars or more and the annual registration fee has been increased to one hundred dollars, the fee must be reduced to fifty dollars."

Page 2, line 6, after "operator" insert "who is a first-party claimant"

Page 2, line 8, overstrike the second "of" and insert immediately thereafter "or"

Page 2, line 9, after "operator" insert "who is a first-party claimant"

Page 2, remove lines 24 through 31

Page 3, remove lines 1 and 2

Page 3, line 6, replace "July 31, 2009" with "June 30, 2001"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 401 - INSURANCE DEPARTMENT

HOUSE - This amendment establishes a trigger that increases the petroleum release compensation fund's annual registration fees from \$50 to \$100 if the fund's balance is less than \$5 million on July 1 of any year, and returns the fee to \$50 when the fund balance is \$5.5 million or more on July 1 of any year.

The amendment removes the appropriation and continuing appropriation for administrative costs of the program. The administrative costs will be appropriated specifically in the Insurance Department's appropriation bill.

**REPORT OF STANDING COMMITTEE**

**HB 1423: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1423 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 1 of section 4-09-10 of the North Dakota Century Code, relating to canola seed standards.

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

**SECTION 1. AMENDMENT.** Subsection 1 of section 4-09-10 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. a. In seeds of wheat, durum, barley, oats, rye, soybeans, dry beans, and flax the commonly accepted name of the kind and variety of each agricultural seed component in excess of five percent of the whole and the percentage by weight of each. Variety identification is not required for seeds labeled "for vegetative cover only".
- b. In seeds of canola, seed must be certified by the commissioner as meeting the standards of this chapter or have been certified by another state or province having certification standards for canola which meet or exceed standards adopted by this chapter.
- ~~b-~~ c. In all other seeds not named in ~~subdivision~~ subdivisions a and b the commonly accepted name of the kind or the kind and variety of each agricultural seed component in excess of five percent of the whole and the percentage of weight of each.
- ~~e-~~ d. When more than ten percent of the whole consists of an aggregate of agricultural seed components, each present in an amount not exceeding five percent of the whole, each component in excess of one percent of the whole must be named together with the percentage by weight of each. All components must be listed in the order of their predominance. Where more than one component is named, the word "mixture", or the word "mixed", must be shown conspicuously on the label."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1434: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1434 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and"

Page 1, line 3, remove "to provide an appropriation"

Page 2, remove lines 21 through 25

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 270 - STATE BOARD FOR VOCATIONAL AND TECHNICAL EDUCATION

HOUSE - This amendment removes Section 2 of the bill, which provided a general fund appropriation of \$75,000 to the State Board for Vocational and Technical Education for expanding marketing clubs as adjuncts to farm management programs.

**REPORT OF STANDING COMMITTEE**

**HB 1443, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1443 was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "and"

Page 1, line 5, remove "; and to provide an"

Page 1, line 6, remove "appropriation"

Page 4, remove lines 28 through 31

Page 5, remove lines 1 and 2

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 270 - STATE BOARD FOR VOCATIONAL AND TECHNICAL EDUCATION

HOUSE - This amendment removes Section 8 of the bill, which provided a general fund appropriation of \$1,000,000 to the State Board for Vocational and Technical Education for contracting with institutions of higher education for work force training.

**REPORT OF STANDING COMMITTEE**

**HB 1475: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1475 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for allocation of funds from settlements with tobacco product manufacturers; and to declare an emergency.

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

**SECTION 1. Tobacco settlement trust fund - Interest on fund - Uses.**

There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under sections IX (payments) and XI (calculation and disbursement of payments) of the master settlement agreement and consent agreement adopted by the district court in its judgment entered in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. (east central dist. ct., December 28, 1998). All moneys received by the state pursuant to the judgment and all moneys received by the state for enforcement of the judgment must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund shall be appropriated for purposes only as follows:

1. Transfers to a health education trust fund to be administered by the superintendent of public instruction. The superintendent of public instruction shall distribute grant funds as appropriated on the basis of average daily membership only for programs intended to prevent

substance abuse in this state, with emphasis on youth education and cessation programs. Transfers under this subsection must equal five percent of total annual transfers from the tobacco settlement trust fund.

2. Transfers to the common schools trust fund to become a part of the principal of that fund. Transfers under this subsection must equal fifty percent of total annual transfers from the tobacco settlement trust fund.
3. Transfers to the resources trust fund to be used to address the long-term water development and management needs of the state. Transfers under this subsection must equal thirty-five percent of the total annual transfers from the tobacco settlement trust fund.
4. Transfers for other purposes approved by the legislative assembly, including enforcement of the terms of the judgment, must equal ten percent of total annual transfers from the tobacco settlement trust fund.

Transfers to the funds under subsections 1, 2, and 3 must be made within thirty days of receipt by the tobacco settlement trust fund. Funds to be transferred under subsection 4 must be held in the tobacco settlement trust fund until appropriated and transferred as directed by the legislative assembly.

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1476, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1476 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "Bank of North Dakota" with "agriculture partnership in assisting community expansion fund established by section 6-09.13-04" and replace "making" with "buying down interest on"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1478, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1478 was placed on the Sixth order on the calendar.

Page 2, remove lines 22 through 27

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3038: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3038 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "hallucinogenic drug known as" and after "marijuana" insert "plant"

Page 2, line 4, remove "hallucinogenic drug known as" and after "marijuana" insert "plant"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3049: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3049 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3053: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3053 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3054: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3054 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2078, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2078 was placed on the Fourteenth order on the calendar.

**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 2153, SB 2159, SB 2160, SB 2166, SB 2180, SB 2207, SB 2210, SB 2225, SB 2243, SB 2273, SB 2305, SB 2345, SB 2406, SB 2420.

**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 2007, SB 2019, SB 2328.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2105.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Reps. DeKrey, Delmore and Sen. W. Stenehjem introduced:

**HCR 3067:** A concurrent resolution directing the Legislative Council to review and monitor the implementation of legislation enacted by the Fifty-sixth Legislative Assembly which provides for the delivery of clerk of district court services through state funding and alternative methods.

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

Reps. DeKrey, Delmore, Gulleson and Sen. W. Stenehjem introduced:

**HCR 3068:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of an equitable sharing, between the state and counties, of the costs of providing facilities for the delivery of state-funded judicial and clerk of court services.

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

Reps. Ekstrom, Disrud, Lemieux introduced:

**HCR 3069:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of requiring the state's electricity providers to offer their customers a portion of their electricity from renewable sources.

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

Reps. Grosz, Dorso and Sen. G. Nelson introduced:

**HCR 3070:** A concurrent resolution directing the Legislative Council to study health care in this state relative to access, quality, and cost to determine essential health care services, critical providers, access sites, and geographic, demographic, and economic issues relating to health care.

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

Reps. Nowatzki, Fairfield, Nicholas, Tollefson and Sens. Thane, Tomac introduced:

**HCR 3071:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of licensing or franchising the "Dakota Maid" logo and trade name of the North Dakota Mill and Elevator Association and promoting the logo on a nationwide basis.

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

Rep. L. Thoreson introduced:

**HCR 3072:** A concurrent resolution directing the Legislative Council to study the state of the law in this state and other states dealing with the administration of discipline in public schools.

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

**FIRST READING OF SENATE BILLS**

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the labor commissioner.

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

**SB 2019:** A BILL for an Act to make an appropriation for defraying the expenses of the state game and fish department.

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

**SB 2153:** A BILL for an Act to create and enact chapter 60-02.1 of the North Dakota Century Code, relating to grain buyers and grain buyer insolvency proceedings; to amend and reenact subsection 5 of section 60-02-01, sections 60-03-01, 60-03-01.1, 60-03-02, 60-03-04, 60-03-04.1, 60-03-05, 60-03-08, 60-03-10, 60-03-11, 60-03-12, 60-03-14, 60-03-17, and 60-03-18 of the North Dakota Century Code, relating to the definition of a public warehouse; hay buyer procedures and insolvency proceedings; to repeal section 60-03-03 of the North Dakota Century Code, relating to hay buyer procedures; and to provide a penalty.

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

**SB 2159:** A BILL for an Act to create and enact a new section to title 39 of the North Dakota Century Code, relating to rest area vending machine permits from the department of transportation.

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

**SB 2160:** A BILL for an Act to amend and reenact sections 24-02-01.5, 24-02-08, and 24-02-16 of the North Dakota Century Code, relating to department of transportation engineering consulting services and construction contracts; and to repeal section 24-03-03 of the North Dakota Century Code, relating to the annual construction program of the department of transportation.

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

**SB 2166:** A BILL for an Act to create and enact chapter 23-01.3 and a new section to chapter 23-17.3 of the North Dakota Century Code, relating to confidential or protected health information in possession of a public health authority; and to provide a penalty.

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

**SB 2180:** A BILL for an Act to create and enact sections 26.1-01-03.3, 26.1-30.1-01.1, and 26.1-39-16.1 of the North Dakota Century Code, relating to penalty for violation of the insurance code, unlawful grounds for declination of commercial insurance, and flood insurance notices; to amend and reenact sections 26.1-01-03.1, 26.1-03-17, subsection 7 of section 26.1-04-03, sections 26.1-22-21, 26.1-23-06, 26.1-33-02.1, subsection 6 of section 26.1-33-30, subsection 1 of section 26.1-36-03, subsection 11 of section 26.1-36-05, subsection 6 of section 26.1-36-14, subsection 1 of section 26.1-36-23.1, and section 26.1-45-05.1 of the North Dakota Century Code, relating to cease and desist orders, premium taxes, unfair discrimination, excess loss reinsurance, unsatisfied judgment fund, free-look periods of life insurance policies, life insurance, accident and health insurance, and long-term care insurance; and to provide a penalty.

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

**SB 2207:** A BILL for an Act to create and enact section 49-21-10.3 of the North Dakota Century Code, relating to an unauthorized addition or change in telecommunications services; and to amend and reenact section 49-02-01.1 of the North Dakota Century Code, relating to the jurisdiction of the public service commission.

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

**SB 2210:** A BILL for an Act to amend and reenact sections 12.1-23-05, 12.1-24-01, and 12.1-24-03 of the North Dakota Century Code, relating to the grading of offenses for certain crimes.

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

**SB 2225:** A BILL for an Act to create and enact a new section to chapter 12.1-23 of the North Dakota Century Code, relating to the fraudulent use of personal identifying information.

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

**SB 2243:** A BILL for an Act to create and enact a new section to chapter 47-19 of the North Dakota Century Code, relating to recording deeds and contracts for deeds.

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

**SB 2273:** A BILL for an Act to create and enact a new section to chapter 10-30.5 of the North Dakota Century Code, relating to the use of funds in the North Dakota development

fund; to amend and reenact subsection 3 of section 10-30.5-02 of the North Dakota Century Code, relating to the use of funds in the North Dakota development fund; and to provide for a transfer of moneys in the regional rural development revolving loan fund account.

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

**SB 2305:** A BILL for an Act to create and enact a new subsection to section 12.1-17-07 and a new subdivision to subsection 4 of section 12.1-32-07 of the North Dakota Century Code, relating to the crime of harassment and to the powers of a trial court.

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

**SB 2328:** A BILL for an Act to amend and reenact section 4-05.1-05 of the North Dakota Century Code, relating to industrial hemp and alternative industrial use crops research.

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

**SB 2345:** A BILL for an Act to amend and reenact section 20.1-13.1-03, subsection 8 of section 20.1-13.1-10, sections 20.1-13.1-13, 20.1-15-03, subsection 10 of section 20.1-15-11, sections 20.1-15-14, 39-20-02, subsection 10 of section 39-20-07, sections 39-20-12, 39-24.1-03, subsection 8 of section 39-24.1-08, and section 39-24.1-11 of the North Dakota Century Code, relating to blood tests for driving while under the influence.

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

**SB 2406:** A BILL for an Act to amend and reenact sections 39-06-35, 39-06-36, and 39-08-20 of the North Dakota Century Code, relating to revoked and suspended licenses and driving without liability insurance.

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

**SB 2420:** A BILL for an Act to create and enact three new sections to chapter 49-21, five new subsections to section 49-21-01, a new subsection to section 49-21-01.1, subsections 5, 6, and 7 of section 49-21-01.3, and subsections 7, 8, 9, 10, 11, 12, 13, and 14 of section 49-21-01.7 of the North Dakota Century Code, relating to telecommunications facilities, regulation of telecommunications services, telecommunications service prices, and powers of the public service commission; to amend and reenact sections 49-02-01.1, 49-21-04, 49-21-07, 49-21-08.1, and 49-21-10.2 of the North Dakota Century Code, relating to jurisdiction of the public service commission, telecommunications price schedules, discrimination, dialing parity, and telecommunications service quality rules; and to repeal section 49-21-02.1 of the North Dakota Century Code, relating to exemptions from public service commission regulation.

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

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

**LANCE HAGEN, Chief Clerk**