

**JOURNAL OF THE HOUSE**

**Fifty-sixth Legislative Assembly**

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**Bismarck, February 1, 1999**

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

The prayer was offered by Pastor Tom Dunham, United Methodist Church, Bismarck.

The roll was called and all members were present except Representatives DeKrey, Fairfield, and Nicholas.

A quorum was declared by the Speaker.

**MOTION**

**REP. BELTER MOVED** that HB 1463 be returned to the House floor from the **Finance and Taxation Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**REP. WINRICH REQUESTED** the unanimous consent of the House to withdraw HB 1463. There being no objection, it was so ordered by the Speaker.

**MOTION**

**REP. KEISER MOVED** that HB 1345 be returned to the House floor from the **Transportation Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Keiser's motion, HB 1345 was rereferred.

**MOTION**

**REP. MARAGOS MOVED** that the House reconsider its action whereby HB 1360 failed to pass for want of a Constitutional majority, which motion lost on a verification vote.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the amendments on the Sixth order of business to HB 1038, HB 1039, HB 1049, HB 1217, HB 1326, and HB 1445 be adopted, which motion prevailed.

HB 1038, as amended, was rereferred to the **Appropriations Committee**.

HB 1039, HB 1049, HB 1217, HB 1326, and HB 1445, as amended, were placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1390:** A BILL for an Act to allow imposition by counties of a surcharge on gravel.

**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 35 YEAS, 60 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Cleary; Delmore; Devlin; Drovdal; Eckre; Ekstrom; Froelich; Glassheim; Gorder; Grumbo; Gulleon; Hanson; Herbel; Hoffner; Huether; Kelsh, S.; Kempenich; Kerzman; Kroeber; Lemieux; Metcalf; Mueller; Nichols; Niemeier; Nottestad; Rose; Sandvig; Schmidt; Severson; Stefonowicz; Warner; Weisz; Winrich

**NAYS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; Delzer; Disrud; Dorso; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Klein; Klemm; Kliniske; Koppang; Koppelman; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Nelson; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Wentz; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** DeKrey; Fairfield; Nicholas

Engrossed HB 1390 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1136:** A BILL for an Act to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to managed care for workers' compensation; to amend and reenact subsection 4 of section 26.1-26.4-02 and subsection 8 of section 26.1-26.4-04 of the North Dakota Century Code, relating to the definition of utilization review and to minimum standards of utilization review agents; 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 71 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Boucher; Delmore; Eckre; Ekstrom; Froelich; Glassheim; Hanson; Hoffner; Kelsh, S.; Kerzman; Lemieux; Lundgren; Mahoney; Metcalf; Meyer; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Thorpe; Winrich

**ABSENT AND NOT VOTING:** DeKrey; Fairfield; Nicholas

Engrossed HB 1136 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1153:** A BILL for an Act to establish a reserve fund to assure a source of compensation for the consequences of the sale of cigarettes within the state; to provide an effective date; to provide a penalty; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Delzer

**ABSENT AND NOT VOTING:** DeKrey; Fairfield; Grosz; Nicholas; Timm

Engrossed HB 1153 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1155:** A BILL for an Act to create and enact a new section to chapter 64-02 of the North Dakota Century Code, relating to testing of weighing devices; and to amend and reenact section 64-02-01 of the North Dakota Century Code, relating to the definition of transient vendors.

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; 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; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; 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:** DeKrey; Fairfield; Nicholas

Engrossed HB 1155 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1175:** A BILL for an Act to create and enact sections 26.1-05-02.1, 26.1-12-11.1, and 26.1-26-11.1 of the North Dakota Century Code, relating to domestic insurance companies, incorporated mutual insurance companies, and authorized lines of business; to amend and reenact sections 26.1-05-02, 26.1-12-01, 26.1-12-06, 26.1-12-11, 26.1-26-01, 26.1-26-11, 26.1-26-25, and 26.1-26-31.1 of the North Dakota Century Code, relating to domestic insurance companies, mutual insurance companies, insurance agents, authorized lines of business, and exceptions from examination requirements; to repeal section 26.1-05-03 of the North Dakota Century Code, relating to organization of a domestic mutual life insurance company; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; 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; 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; 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:** DeKrey; Fairfield; Jensen; Maragos; Nicholas

Engrossed HB 1175 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1176:** A BILL for an Act to create and enact chapter 26.1-03.2 of the North Dakota Century Code, relating to risk-based capital for health organizations.

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; 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; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; 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:** DeKrey; Fairfield; Nicholas

Engrossed HB 1176 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1178:** A BILL for an Act to create and enact sections 26.1-01-07.6 and 26.1-26.4-04.2 of the North Dakota Century Code, relating to medicare provider-sponsored organizations and health care service utilization review; and to amend and reenact section 26.1-26.4-02, subdivision d of subsection 1 of section 26.1-36-04, subsection 22 of section 26.1-36.3-01, subdivision e of subsection 3 of section 26.1-36.3-06, subsection 6 of section 26.1-36.3-06, section 26.1-36.4-03, subsection 8 of section 26.1-47-01, and section 26.1-47-02 of the North Dakota Century Code, relating to health care service utilization review, accident and health insurance, small employer health insurance, and preferred provider organizations.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; 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; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; 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; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Delzer

**ABSENT AND NOT VOTING:** DeKrey; Fairfield; Hawken; Nicholas; Warner

Engrossed HB 1178 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1211:** A BILL for an Act to amend and reenact subsection 4 of section 16.1-12-02.2 of the North Dakota Century Code, relating to the filing of certificates of candidacy by write-in candidates.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Boucher; 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; 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; 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:** Aarsvold; DeKrey; Fairfield; Hawken; Nicholas

Engrossed HB 1211 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1307:** A BILL for an Act to amend and reenact subsection 1 of section 57-38.3-02 and subsection 1 of section 57-38.3-05 of the North Dakota Century Code, relating to claimant agencies for setoff of income tax refunds.

### 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 83 YEAS, 11 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Glassheim; Gordier; Grumbo; Gullerson; 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; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Renner; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Berg; Brekke; Delzer; Galvin; Grande; Grosz; Price; Rennerfeldt; Timm; Tollefson; Weisz

**ABSENT AND NOT VOTING:** DeKrey; Fairfield; Hawken; Nicholas

Engrossed HB 1307 passed and the title was agreed to.

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### MOTION

**REP. DORSO MOVED** that HB 1325, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, HB 1325 was rereferred.

### REQUEST

**REP. AARSVOLD REQUESTED** that the record show that he was present and intended to vote YEA on HB 1211, which request was granted.

### SECOND READING OF HOUSE BILL

**HB 1332:** A BILL for an Act to amend and reenact section 65-01-02, subsection 4 of section 65-05-28, subsection 1 of section 65-05-28.2, and section 65-07-01 of the North Dakota Century Code, relating to workers compensation definitions, medical treatment, coverage; to repeal section 65-07-04 of the North Dakota Century Code, relating to calculation of the wages of a self-employed person; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gordier; Grande; Grosz; Grumbo; Gullerson; 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; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; 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:** DeKrey; Fairfield; Hawken; Nicholas

Engrossed HB 1332 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1333:** A BILL for an Act to amend and reenact sections 65-02-08, 65-02-20, and 65-02-21 of the North Dakota Century Code, relating to workers' compensation medical and hospital fee schedules and workers' compensation managed care; and to repeal sections 65-02-19 and 65-05-07.1 of the North Dakota Century Code, relating to workers' compensation medical and hospital fee schedules and workers' compensation managed care.

### 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; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glasheim; Gorder; Grande; Grosz; Grumbo; Gullerson; 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; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Thorpe

**ABSENT AND NOT VOTING:** DeKrey; Fairfield; Hawken; Nicholas

Engrossed HB 1333 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1367:** A BILL for an Act to amend and reenact section 35-01-27 of the North Dakota Century Code, relating to discharge of a satisfied mortgage.

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glasheim; Gorder; Grande; Grosz; Grumbo; Gullerson; 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; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; 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:** DeKrey; Fairfield; Hawken; Nicholas

Engrossed HB 1367 passed and the title was agreed to.

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**MOTION**

**REP. AARSVOLD MOVED** that the House reconsider its action whereby HB 1371 failed to pass.

**REQUEST**

**REP. AARSVOLD REQUESTED** a recorded roll call vote on the motion to reconsider the action whereby HB 1371 failed to pass, which request was granted.

**ROLL CALL**

The question being on the motion to reconsider the action whereby HB 1371 failed to pass, the roll was called and there were 36 YEAS, 58 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Cleary; Delmore; Disrud; Eckre; Ekstrom; Froelich; Glassheim; Gorder; Grumbo; Gullerson; Hanson; Hoffner; Huether; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Thorpe; Warner; Wentz; Winrich

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

**ABSENT AND NOT VOTING:** DeKrey; Fairfield; Koppelman; Nicholas

So the motion to reconsider the action whereby HB 1371 failed to pass failed.

**SECOND READING OF HOUSE BILL**

**HB 1161:** A BILL for an Act to create and enact a new chapter to title 6 of the North Dakota Century Code, relating to the voluntary and involuntary dissolution and liquidation of state trust companies.

**ROLL CALL**

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; 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; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** DeKrey; Fairfield; Koppelman; Maragos; Nicholas; Thorpe

HB 1161 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1219:** A BILL for an Act to amend and reenact subsection 6 of section 26.1-26-25 and subsection 1 of section 26.1-26-31.1 of the North Dakota Century Code, relating to license examination and continuing education requirements for title insurance agents; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 32 YEAS, 62 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Cleary; Ekstrom; Froelich; Glassheim; Hoffner; Jensen; Keiser; Kelsh, S.; Kerzman; Klemin; Kroeber; Lemieux; Lloyd; Maragos; Metcalf; Meyer; Nichols; Niemeier; Nottestad; Renner; Rose; Sandvig; Schmidt; Severson; Sveen; Thoreson, L.; Tollefson; Warner; Wentz; Winrich; Speaker Wald

**NAYS:** Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth; Galvin; Gorder; Grande; Grosz; Grumbo; Gulleason; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Johnson, D.; Johnson, N.; Kelsch, R.; Kempenich; Klein; Kliniske; Koppang; Koppelman; Lundgren; Mahoney; Martinson; Mickelson; Monson; Mueller; Nelson; Nowatzki; Pollert; Poolman; Porter; Price; Rennerfeldt; Solberg; Stefonowicz; Svedjan; Thoreson, B.; Timm; Weisz; Wikenheiser

**ABSENT AND NOT VOTING:** DeKrey; Fairfield; Nicholas; Thorpe

HB 1219 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1238:** A BILL for an Act to amend and reenact sections 26.1-12-06, 26.1-12-14, 26.1-12-16, and subsection 3 of section 28-22-03.1 of the North Dakota Century Code, relating to mutual insurance company bylaws, domestic mutual insurance company voting, and absolute exemptions of Roth individual retirement accounts in process, levy, and sale proceedings.

### ROLL CALL

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

**YEAS:** Aarsvold; Belter; Berg; Boehm; Boucher; 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; Gulleason; 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; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Bernstein; DeKrey; Fairfield; Nicholas; Thorpe; Tollefson

HB 1238 passed and the title was agreed to.

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### MOTION

**REP. DORSO MOVED** that HB 1254 and HB 1281 be placed at the bottom of the calendar, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1284:** A BILL for an Act to amend and reenact section 16.1-03-07 of the North Dakota Century Code, relating to political party district executive committee membership.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; 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; Gulleason; 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; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price;

Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz;  
Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Warner; Weisz; Wentz;  
Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** DeKrey; Fairfield; Nicholas; Thorpe; Tollefson

HB 1284 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1299:** A BILL for an Act to amend and reenact subsection 1 of section 30.1-28-03 of the North Dakota Century Code, relating to the court appointment of a guardian of an incapacitated person.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 30 YEAS, 62 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Cleary; Delmore; Ekstrom; Froelich; Glassheim; Grumbo; Hanson; Hawken; Hoffner; Jensen; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Meyer; Monson; Mueller; Nichols; Niemeier; Nowatzki; Rose; Schmidt; Stefonowicz; Sveen; Warner; Wentz; Winrich

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

**ABSENT AND NOT VOTING:** DeKrey; Fairfield; Gulleeson; Nicholas; Thorpe; Tollefson

HB 1299 was declared lost.

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### SECOND READING OF HOUSE BILL

**HB 1301:** A BILL for an Act to create and enact a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to the provision of a guardianship services system by the department of human services; and to provide an appropriation.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 37 YEAS, 55 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Cleary; Delmore; Disrud; Ekstrom; Froelich; Glassheim; Grumbo; Gulleeson; Hanson; Hawken; Hoffner; Huether; Jensen; Kelsch, R.; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Metcalf; Mueller; Nichols; Niemeier; Nowatzki; Porter; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Sveen; Warner; Winrich

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

**ABSENT AND NOT VOTING:** DeKrey; Fairfield; Gorder; Nicholas; Thorpe; Tollefson

HB 1301 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 1028, HB 1188, HB 1202, HB 1283, HB 1304, HB 1331, HB 1342, HB 1351, HB 1363, HB 1375.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Tuesday, February 2, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1037: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1037 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new section to chapter 28-01.3 and"

Page 1, line 3, after "equipment" insert "and to the liability of a manufacturer for a year 2000 claim" and after "reenact" insert "sections 28-01.3-04, 28-01.3-06,"

Page 1, line 4, after "32-12.1-03" insert a comma

Page 1, line 6, after "change" insert "and to the liability of a nonmanufacturing seller for a year 2000 claim and the determination of a defective product"

Page 1, after line 7, insert:

**"SECTION 1.** A new section to chapter 28-01.3 of the North Dakota Century Code is created and enacted as follows:

**Claims resulting from year 2000 date change computer failures prohibited.**

Except to the extent liability is expressly assumed under warranty or contract, a manufacturer is not liable for a claim that is the result of the failure of any computer hardware or software, telecommunications network, or device containing a computer processor to interpret, produce, calculate, generate, or account for a date that is compatible with the year 2000 date change if the manufacturer has made a good-faith effort to make the computer hardware or software, telecommunications network, or device containing a computer processor compliant with the year 2000 date change. For the purposes of this section, a manufacturer is presumed to have made a good-faith effort to make the computer hardware or software, telecommunications network, or device containing a computer processor compliant with the year 2000 date change if all the following conditions are met:

1. The data structures provide four-digit date recognition;
2. Any stored data contains date century recognition, including data stored in data bases and hardware or device internal system dates;
3. The calculations and program logic accommodate same century and multicentury formulas and data values;
4. The interfaces prevent noncompliant dates and data from entering or exiting any system operated or used by an initial user or consumer;
5. The user interfaces accurately show four-digit years when critical to business functions; and
6. The year 2000 or any other leap year is correctly treated as a leap year within all calculation and calendar logic.

**SECTION 2. AMENDMENT.** Section 28-01.3-04 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**28-01.3-04. Liability of nonmanufacturing sellers.**

1. In any products liability action or an action involving a year 2000 claim maintained against a seller of a product who did not manufacture the product, the seller shall upon answering or otherwise pleading file an affidavit certifying the correct identity of the manufacturer of the product allegedly causing the personal injury, death, or damage to property.
2. After the plaintiff has filed a complaint against the manufacturer and the manufacturer has or is required to have answered or otherwise pleaded, the court shall order the dismissal of the claim against the certifying seller, unless the plaintiff can show any of the following:
  - a. That the certifying seller exercised some significant control over the design or manufacture of the product, or provided instructions or warnings to the manufacturer relative to the alleged defect in the product which caused the personal injury, death, or damage to property.
  - b. That the certifying seller had actual knowledge of the defect in the product which caused the personal injury, death, or damage to property.
  - c. That the certifying seller created the defect in the product which caused the personal injury, death, or damage to property.
3. In an action involving a year 2000 claim, a certifying seller who is not dismissed is entitled to the same presumption of a good-faith effort as a manufacturer.
3. 4. The plaintiff may at any time prior to the beginning of the trial move to vacate the order of dismissal and reinstate the certifying seller if the plaintiff can show any of the following:
  - a. That the applicable statute of limitation bars a product liability action against the manufacturer of the product allegedly causing the injury, death, or damage.
  - b. That the identity of the manufacturer given to the plaintiff by the certifying defendant was incorrect.
5. In the event a certifying seller is reinstated in in action involving a year 2000 claim, a certifying seller is entitled to the same presumption of a good-faith effort as a manufacturer and subject to the same conditions as a manufacturer.

**SECTION 3. AMENDMENT.** Section 28-01.3-06 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**28-01.3-06. Determination of defective product.** No product may be considered to have a defect or to be in a defective condition, unless at the time the product was sold by the manufacturer or other initial seller, there was a defect or defective condition in the product which made the product unreasonably dangerous to the user or consumer. This section does not apply to a product involved in a year 2000 claim."

Page 1, line 16, after the underscored comma insert "the state is presumed to have made a good-faith effort to make the", after "computer" insert "hardware", and after "or" insert "software."

Page 1, line 17, replace "equipment" with "networks", replace "are" with "containing a computer processor", and after "if" insert "all of the following conditions are met"

Page 1, line 18, replace the first "date" with "data" and replace the second underscored period with an underscored semicolon

Page 1, line 20, replace the underscored period with an underscored semicolon

Page 1, line 22, replace the underscored period with an underscored semicolon

Page 1, line 24, replace the underscored period with an underscored semicolon

Page 2, line 2, replace the underscored period with "; and"

Page 3, line 7, after the underscored comma insert "a political subdivision is presumed to have made a good-faith effort to make the", after "computer" insert "hardware", and after "or" insert "software."

Page 3, line 8, replace "equipment" with "networks.", replace "are" with "containing a computer processor"

Page 3, line 9, after "if" insert "all of the following conditions are met"

Page 3, line 10, replace the first "date" with "data" and replace the underscored period with an underscored semicolon

Page 3, line 12, replace the underscored period with an underscored semicolon

Page 3, line 14, replace the underscored period with an underscored semicolon

Page 3, line 16, replace the underscored period with an underscored semicolon

Page 3, line 18, replace the underscored period with "; and"

Page 5, line 17, after the underscored comma insert "the state is presumed to have made a good-faith effort to make the", after "computer" insert "hardware", and after "or" insert "software."

Page 5, line 18, replace "equipment" with "networks." and replace "are" with "containing a computer processor"

Page 5, line 19, after "if" insert "all of the following conditions are met"

Page 5, line 20, replace the first "date" with "data" and replace the underscored period with an underscored semicolon

Page 5, line 22, replace the underscored period with an underscored semicolon

Page 5, line 24, replace the underscored period with an underscored semicolon

Page 5, line 26, replace the underscored period with an underscored semicolon

Page 5, line 28, replace the underscored period with "; and"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1041: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1041 was placed on the Sixth order on the calendar.

Page 7, line 23, remove the overstrike over "~~The amount of prizes may not exceed~~"

Page 7, line 24, remove the overstrike over "~~ninety percent of the gross proceeds.~~"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1146: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1146 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 42-03-01, 42-03-02, 42-03-03, and 42-03-04 of the North Dakota Century Code, relating to dogs as public nuisances.

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

**SECTION 1. AMENDMENT.** Section 42-03-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**42-03-01. ~~When dogs are a public nuisance~~ Dogs - Public nuisance - Complaint - Notice.** Any dog ~~that habitually molests a person traveling peaceably on the public road or street that when unprovoked causes physical injury to an individual~~ is a public nuisance. ~~Upon~~ and may be adjudged to be dangerous or vicious. For purposes of this chapter, dog includes a wolf or the offspring of a canine and wolf breeding. An individual may file a written complaint ~~to~~ with a district or municipal judge describing the dog, ~~giving~~ stating the name of the dog, ~~if known,~~ and stating the name and address of the dog's owner, ~~and, if not, so stating,~~ and alleging that the dog is a public nuisance, ~~the~~ and is dangerous or vicious. The district or municipal judge shall give notice to the dog's owner that a complaint has been filed ~~alleging that the dog has been molesting certain persons~~ is a public nuisance and is dangerous or vicious and directing that the owner shall take the necessary action to prevent the dog from any further violations of this chapter. If the district or municipal judge receives a ~~further~~ second complaint regarding the dog, after notice has been given under this section, the judge shall issue a summons, if the owner is known, commanding the owner to appear before the judge ~~in the same manner as other court summonses~~ at the time and place set for a hearing.

**SECTION 2. AMENDMENT.** Section 42-03-02 of the North Dakota Century Code is amended and reenacted as follows:

**42-03-02. Owner of dog ~~not known~~ unknown - Notice.** ~~If it appears from the complaint that the owner of the dog is not known to the complainant, ten days' notice shall be given the judge shall give notice once by publication in one issue of a the official newspaper having wide circulation in the area. Such notice shall of the city in which the dog was sighted, or if the dog was sighted outside the city limits, in the official newspaper of the county or in a newspaper having wide circulation in the area in which the dog was sighted. The notice must contain a description of the dog as given in the complaint, the area in which the dog was sighted, a statement that such a complaint has been made filed, and the date, time, and place of set for a hearing thereon. The hearing may not take place less than ten days after the date of notice by publication.~~

**SECTION 3. AMENDMENT.** Section 42-03-03 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**42-03-03. Hearing - Judgment - Execution.** ~~On the day of~~ At the hearing, the district or municipal judge shall hear the evidence in the case. If the judge finds that the dog is a public nuisance and potentially dangerous or vicious, judgment must be entered accordingly, ~~and the.~~ The judge shall ~~may order any peace officer to kill and bury that the dog, which order the peace officer shall forthwith execute~~ be humanely destroyed.

**SECTION 4. AMENDMENT.** Section 42-03-04 of the North Dakota Century Code is amended and reenacted as follows:

**42-03-04. Costs.** ~~Costs shall be paid by the~~ The complainant shall pay all costs of the action, but if the dog is adjudged a public nuisance and potentially dangerous and vicious, and the owner is known, ~~judgment shall be entered the judge shall assess costs against him for such costs~~ the owner."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1170: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1170 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "and" with a comma and after "5" insert ", and 8"

Page 7, line 29, replace "and" with a comma and after "5" insert ", and 8"

Page 8, line 2, replace "sections" with "section" and remove "and 24-03-12"

Page 8, after line 5, insert:

"8. Such specific items or items costing less than a specified amount as determined and indicated by written directive by the director of the office of management and budget. The director may organize and administer, including by contract with a provider, a system of procurement for items agencies are authorized to purchase under this subsection which includes use of a procurement card."

Page 8, line 29, after the underscored period insert "The application must also contain a statement appointing the secretary of state as the applicant's agent for service of process pursuant to subsection 3." and after "an" insert "owner, partner,"

Page 8, line 30, remove "authorized person" and after "officer" insert "authorized by company bylaws or other organizational document to bind the company. The office of management and budget may require proof of the signing person's authority by certified copy of appropriate company documents"

Page 9, line 1, replace "company" with "applicant"

Page 9, line 2, replace "foreign or domestic" with "if organized as a corporation, limited liability company, limited liability partnership, or limited partnership,"

Page 9, line 11, after the underscored period insert "Whenever any registration required by this section is cancelled, revoked, or not renewed, the vendor ceases to be an approved vendor."

Page 10, line 10, after "purchases" insert "- Exempt records"

Page 10, line 16, after the underscored period insert "Until the date and time set for receiving and opening bids and proposals pursuant to a request for bids or proposals, all bids and proposals received under this chapter are exempt records under subsection 5 of section 44-04-17.1."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1226: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1226 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 46-06-02 of the North Dakota Century Code, relating to qualifications required of an official newspaper.

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

**SECTION 1. AMENDMENT.** Section 46-06-02 of the North Dakota Century Code is amended and reenacted as follows:

**46-06-02. Qualifications required of an official newspaper.** A newspaper is qualified to serve as an official newspaper if it meets all the requirements of a legal newspaper set forth in section 46-05-01 and maintains its principal North Dakota editorial office within the county in which it is a candidate for official newspaper."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1228: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO NOT PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1228 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1257: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1257 was placed on the Sixth order on the calendar.

Page 1, line 3, replace the second "section" with "sections 54-52-02.5,"

Page 1, line 4, after the second comma insert "participation by newly appointed officials in a defined contribution retirement plan,"

Page 1, line 6, remove "to repeal section 54-52-02.5 of the North Dakota Century Code, relating to newly"

Page 1, line 7, remove "appointed officials as members of the public employees retirement system;"

Page 1, line 8, replace "effective date" with "appropriation and a continuing appropriation"

Page 1, line 16, remove the overstrike over "~~and appointed officials~~" and after "eligible" insert "who elect to participate"

Page 1, line 17, remove the overstrike over "~~under section 54-52-02.5~~"

Page 1, line 20, replace "and nonclassified state employees who enter upon the" with "but does include employees of the judicial branch"

Page 1, line 21, remove "payroll after December 31, 1999"

Page 1, after line 21, insert:

**"SECTION 2. AMENDMENT.** Section 54-52-02.5 of the North Dakota Century Code is amended and reenacted as follows:

**54-52-02.5. Newly appointed officials.** After ~~July 1, 1979, any~~ December 31, 1999, a person appointed to an office for the first time must, from and after the date ~~he~~ that person qualifies and takes office, be a participating member of the public employees retirement system unless that person makes an election at any time during the first six months after the date the person takes office to participate in the retirement plan established under chapter 54-52.6. As used in this section, the phrase "for the first time" means a person appointed, who, after ~~July 1, 1979~~ December 31, 1999, does not hold office as an appointed official at the time of ~~his~~ that person's appointment."

Page 3, line 21, after the second "employee" insert ", except an employee of the judicial branch."

Page 3, line 28, remove "or is required"

Page 5, line 4, replace "must be a participant" with "may make an election at any time during the first six months after the date of employment to participate"

Page 6, line 3, after "3." insert "An employee who elects to participate in the retirement plan established under this chapter must remain a participant even if that employee returns to the classified service."

4."

Page 6, line 9, replace "4" with "5"

Page 6, line 17, remove "before April 30, 2000"

Page 7, line 10, after "**expenses**" insert "**- Continuing appropriation**"

Page 7, line 14, after the underscored period insert "The board shall place any money deducted in an administrative expenses account with the state treasurer. The board may also use funds from the payroll clearing account established pursuant to section 54-52.3-03 to pay for consulting expenses. All moneys in the payroll clearing account, not otherwise appropriated, or so much of the moneys as may be necessary, are appropriated to the board on a continuing basis for the purpose of retaining a consultant as required for the administration of this chapter."

Page 9, line 14, replace "public employees retirement fund" with "administrative expenses account"

Page 12, replace lines 14 through 16 with:

**"SECTION 6. APPROPRIATION.** There is hereby appropriated out of any moneys in the administrative expense account under section 54-52.6-06 and the payroll clearing account under section 54-52.3-03, in the state treasury, not otherwise appropriated, the sum of \$197,000, or so much of the sum as may be necessary, to the public employees retirement system board for the purpose of administering this chapter, for the biennium beginning July 1, 1999, and ending June 30, 2001. The public employees retirement system board is authorized one additional full-time equivalent position to implement this Act."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1285: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1285 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1286: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1286 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "attorney" with "delivery must be made in accordance with section 5-01-09, by an employee of the licensee, and after verifying the age and identity of the person receiving the alcoholic beverages at the time of actual delivery."

Page 1, remove line 10

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1310: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1310 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "of a ten-year flood event"

Page 1, line 13, overstrike "scientific highway construction and engineering" and insert immediately thereafter "the stream crossing standards prepared by the department" and remove the overstrike over "~~avoid~~"

Page 1, line 14, remove "minimize"

Page 1, line 15, remove the overstrike over "~~It~~" and remove "The state engineer shall determine the ten-year flood event to which"

Page 1, remove line 16

Page 1, line 17, remove "provided by law, in"

Page 1, line 18, replace "of a ten-year flood event" with "required to meet the stream crossing standards prepared by the department"

Page 1, line 22, replace "in excess of a ten-year flood" with "if the highway crossings have been constructed in accordance with the stream crossing standards prepared by the department."

Page 1, remove line 23

Page 2, line 6, after the second "county" insert "or the board of township supervisors"

Page 2, line 7, after "~~commission~~" insert "engineer" and remove the overstrike over "~~upon petition~~"

Page 2, line 8, remove the overstrike over "~~of the majority of landowners of the area affected~~" and replace "engineer" with "or at the request of the board of county commissioners, township supervisors, or a water resource board."

Page 2, line 9, remove "ten-year flood event level" and overstrike ", in terms of second feet,"

Page 2, line 10, overstrike "which", remove "the", overstrike "watercourse or draw", after "be" insert "design discharge that the crossing", and after "carry" insert "to meet the stream crossing standards prepared by the department"

Page 2, line 11, overstrike "or" and insert immediately thereafter an underscored comma

Page 2, line 12, after the first comma insert "or the board of township supervisors."

Page 2, line 14, after "of" insert "the", remove the overstrike over "~~water~~", and remove "a ten-year flood event"

Page 2, line 15, replace "and" with an underscored comma and after "county" insert ", and township"

Page 2, line 16, replace "in excess of a ten-year flood event" with "if the highway crossings have been constructed in accordance with the stream crossing standards prepared by the department"

Page 2, overstrike line 29

Page 2, line 30, overstrike "shall cooperate in" and remove the first "the"

Page 3, line 1, replace "need only" with "shall"

Page 3, line 2, replace "to accommodate a ten-year flood event as determined by the state engineer" with "in accordance with stream crossing standards prepared by the department"

Page 3, line 4, replace "in excess of a ten-year flood event" with "if the highway crossings have been constructed in accordance with the stream crossing standards prepared by the department"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1341: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1341 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1348: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1348 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "the value" with "a price may be increased if the increase is based on actual increases in the cost of acquiring, producing, selling, transporting, or delivering the actual product or service sold, including labor costs."

Page 1, remove lines 9 through 11

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1357: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1357 was placed on the Sixth order on the calendar.

Page 1, line 2, after "elected" insert "or appointed"

Page 1, line 6, after "**elected**" insert "**or appointed**"

Page 1, line 7, after "elected" insert "or appointed"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1359: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1359 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "However, the prohibition does not apply to employment of" and remove "a"

Page 1, line 12, overstrike "spouse"

Page 1, line 13, replace "in violation of" with "Compliance with" and after "44-04-09" insert "is not discrimination under this section"

Page 1, line 19, after "over" insert ", or enter a personal service contract with,"

Page 1, line 20, after the first comma insert "stepchild,"

Page 1, line 21, after the underscored comma insert "brother-in-law or sister-in-law,"

Page 1, line 22, remove "by birth or adoption" and remove "A state official or state employee, in the exercise of that"

Page 1, remove lines 23 and 24

Page 2, line 1, remove "section." and remove "control or direct"

Page 2, line 2, remove "an individual in an employment relationship. The term includes the authority to"

Page 2, line 3, after the underscored period insert "As used in this section, "evaluate" does not include evaluations by peers or subordinates."

Page 2, line 5, replace "or" with "; nor to any employment relationship or contract entered before the state official or employee assumed the supervisory capacity; nor", after "meet" insert "a critical and", and replace "needs" with "agency need"

Page 2, line 6, remove "resulting from an emergency"

Page 2, line 11, after "department" insert "hiring or contracting", after "or" insert "state", and remove "serving in the supervisory capacity"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1366: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1366 was placed on the Sixth order on the calendar.

Page 3, after line 11, insert:

"4. Has been in compliance with the requirements to report fires as set forth in section 18-01-06."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1384: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1384 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1395: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (7 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). HB 1395 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1401: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1401 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1407: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1407 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1432: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1432 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1446: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1446 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1456: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1456 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1467: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1467 was placed on the Sixth order on the calendar.

Page 1, line 21, replace "occupational" with "occupation"

Page 3, line 19, replace "therapy" with "therapist"

Page 3, line 29, replace the second "therapist" with "therapy"

Page 10, line 29, remove ", without proof of actual damages sustained by any person"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2065: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2065 was placed on the Sixth order on the calendar.

Page 1, line 14, after the fourth comma insert "not to exceed a total of \$3,700,000 of all funds for the project,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2083: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2083 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2117: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2117 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2137: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2137 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4008: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4008 was placed on the Tenth 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 2169, SB 2174, SB 2177, SB 2211, SB 2240, SB 2253, SB 2290, SB 2292, SB 2298, SB 2306, SB 2326, SB 2357, SCR 4014.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Reps. Hoffner, Guleson, Fairfield and Sen. T. Mathern introduced:

**HCR 3048:** A concurrent resolution directing the Legislative Council to study the first amendment as it is applied to political speech.

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

Reps. Dorso, Monson and Sens. G. Nelson, St. Aubyn introduced:

**HCR 3049:** A concurrent resolution directing the Legislative Council to study taxation and regulatory incentives for the lignite industry in order to improve its competitive position in the energy marketplace and to identify federal and international impediments to development of the lignite industry and potential state actions to address such impediments.

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

**FIRST READING OF SENATE BILLS**

**SB 2169:** A BILL for an Act to create and enact chapter 59-04.2 of the North Dakota Century Code, relating to the Uniform Principal and Income Act (1997); and to repeal chapter 59-04.1 of the North Dakota Century Code, relating to the Uniform Principal and Income Act.

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

**SB 2174:** A BILL for an Act to amend and reenact sections 30.1-03-03, 30.1-09-08, subsection 3 of section 30.1-10-03, subsection 2 of section 30.1-10-04, subsection 2 of section 30.1-18-03, and subsection 1 of section 30.1-19-03 of the North Dakota Century Code, relating to the Uniform Probate Code.

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

**SB 2177:** A BILL for an Act to create and enact sections 57-43.1-06.1, 57-43.1-12.1, 57-43.1-14.1, 57-43.1-14.2, 57-43.1-15.1, 57-43.1-16.1, 57-43.1-16.2, 57-43.1-45, 57-43.1-46, 57-43.1-47, 57-43.2-04.2, 57-43.2-04.3, 57-43.2-04.4, 57-43.2-07.1, 57-43.2-07.2, 57-43.2-11.1, 57-43.2-11.2, 57-43.2-14.1, 57-43.2-38, 57-43.2-39, 57-43.2-40, 57-43.3-08, 57-43.3-09, 57-43.3-10, 57-43.3-11, 57-43.3-12, 57-43.3-13, 57-43.3-14, 57-43.3-15, 57-43.3-16, 57-43.3-17, 57-43.3-18, 57-43.3-19, 57-43.3-20, 57-43.3-21, 57-43.3-22, 57-43.3-23, 57-43.3-24, 57-43.3-25, 57-43.3-26, 57-43.3-27, and 57-43.3-28 of the North Dakota Century Code, relating to the motor vehicle fuel tax, the special fuel tax, interstate motor carriers tax, and the aviation fuel tax; to amend and reenact sections 57-43.1-01, 57-43.1-02, 57-43.1-04, 57-43.1-06, 57-43.1-08, 57-43.1-11, 57-43.1-13, 57-43.1-14, 57-43.1-15, 57-43.1-16, 57-43.1-17, 57-43.1-17.1, 57-43.1-21, 57-43.1-24, 57-43.1-25, 57-43.1-26, 57-43.1-27, 57-43.1-28, 57-43.1-30, 57-43.1-32, 57-43.2-01, 57-43.2-02, 57-43.2-02.2, 57-43.2-03, 57-43.2-04.1, 57-43.2-05, 57-43.2-07, 57-43.2-08, 57-43.2-09, 57-43.2-10, 57-43.2-11, 57-43.2-14, 57-43.2-15, 57-43.2-19, 57-43.2-20, 57-43.2-21, 57-43.2-22, 57-43.3-01, 57-43.3-02, 57-43.3-03, and 57-43.3-04 of the North Dakota Century Code, relating to the motor vehicle fuel tax, the special fuel tax, and the aviation fuel tax; to repeal sections 57-43.1-18, 57-43.1-20, 57-43.1-22, 57-43.1-23, 57-43.1-31, 57-43.1-33, 57-43.1-34, 57-43.1-35, 57-43.1-36, 57-43.1-37, 57-43.1-38, 57-43.1-39, 57-43.1-40, 57-43.1-42, 57-43.1-42.1, 57-43.1-43, 57-43.2-04, 57-43.2-06, 57-43.2-12, 57-43.2-13, 57-43.2-16, 57-43.2-17, 57-43.2-18, 57-43.2-23, 57-43.2-24, 57-43.2-25, 57-43.2-26, 57-43.2-27, 57-43.2-28, 57-43.2-29, 57-43.2-30, 57-43.2-31, 57-43.2-32, 57-43.2-33, 57-43.2-35, 57-43.2-35.1, 57-43.2-36, and 57-43.3-05 of the North Dakota Century Code, relating to obsolete and redundant provisions of the motor vehicle fuel tax, the special fuel tax, importer for use tax, and the aviation fuel tax; and to provide penalties.

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

**SB 2211:** A BILL for an Act to amend and reenact section 12.1-01-04 of the North Dakota Century Code, relating to the definition of types of bodily injury.

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

**SB 2240:** A BILL for an Act to amend and reenact section 5-01-05.1 of the North Dakota Century Code, relating to public intoxication.

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

**SB 2253:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 23-07.5-05 of the North Dakota Century Code, relating to confidentiality of human immunodeficiency virus infection test results; and to amend and reenact section 23-07-02.1 of the North Dakota Century Code, relating to reports of human immunodeficiency virus infection.

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

**SB 2290:** A BILL for an Act to amend and reenact section 40-47-01.1 of the North Dakota Century Code, relating to extraterritorial zoning.

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

**SB 2292:** A BILL for an Act to amend and reenact section 4-10.1-16 of the North Dakota Century Code, relating to the penalty for delinquent payment of assessments to the potato council.

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

**SB 2298:** A BILL for an Act to amend and reenact section 12-63-01, subsection 2 of section 12-63-12, and section 12-63-14 of the North Dakota Century Code, relating to peace officer standards, training, and licensing.

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

**SB 2306:** A BILL for an Act to amend and reenact section 14-07.1-11 of the North Dakota Century Code, relating to arrest without warrant in domestic violence assaults.

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

**SB 2326:** A BILL for an Act to amend and reenact sections 6-08-16, 6-08-16.1, and subsection 1 of section 6-08-16.2 of the North Dakota Century Code, relating to authorizing an electronic funds transfer without sufficient funds; and to provide a penalty.

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

**SB 2357:** A BILL for an Act to amend and reenact subdivision g of subsection 5 of section 39-24-09 and section 39-24-11 of the North Dakota Century Code, relating to prohibited operation of snowmobiles and penalties governing the operation of snowmobiles.

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

#### **FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4014:** A concurrent resolution directing the Legislative Council to study the method of providing legal representation for indigent criminal defendants and the feasibility and desirability of establishing a public defender system.

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

#### **SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bill: HB 1054.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1054.

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

**LANCE HAGEN, Chief Clerk**