

JOURNAL OF THE HOUSE

Fifty-sixth Legislative Assembly

* * * * *

Bismarck, February 9, 1999

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

The prayer was offered by Pastor Harvey Jeffers, Scranton Lutheran Church, Scranton.

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

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 1001, HB 1005, HB 1006, HB 1008, HB 1010, HB 1013, HB 1156, HB 1169, HB 1300, HB 1347, HB 1364, HB 1410, HB 1411, HB 1422, HB 1460, HB 1478, HB 1488, HCR 3018, and SB 2108 be adopted, which motion prevailed.

HB 1001, HB 1005, HB 1006, HB 1008, HB 1010, HB 1013, HB 1156, HB 1169, HB 1300, HB 1347, HB 1364, HB 1410, HB 1411, HB 1422, HB 1460, HB 1478, HB 1488, and HCR 3018, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SB 2108, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2065: A BILL for an Act to provide for the issuance and sale of self-liquidating, tax-exempt bonds for renovating and expanding the student union at Dickinson state university; to provide an appropriation; 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 94 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; 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: Brekke; Nicholas; Renner

SB 2065, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1038: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance coverage of prehospital emergency medical services; to amend and reenact section 23-27-04.2 of the North Dakota Century Code, relating to state assistance to prehospital emergency medical services; and to provide legislative intent regarding state department of health assistance for ambulance medical assistance billings and for appropriated funds.

ROLL CALL

The question being on the passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; 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; 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; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

Engrossed HB 1038 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1257: A BILL for an Act to create and enact chapter 54-52.6 of the North Dakota Century Code, relating to a defined contribution retirement plan for nonclassified state employees; to amend and reenact subsection 3 of section 54-52-01, sections 54-52-02.5, 54-52-26, and subsection 1 of section 54-52.1-03.2 of the North Dakota Century Code, relating to definitions, participation by newly appointed officials in a defined contribution retirement plan, confidentiality of records, and retiree health benefit fund contributions under the public employees retirement system; to provide a penalty; and to provide an appropriation and a continuing appropriation.

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 56 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Boucher; Carlisle; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Gorder; Grumbo; Gulleson; Hanson; Henegar; Herbel; Hoffner; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Poolman; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Thorpe; Warner; Weisz; Winrich

Engrossed HB 1257 passed and the title was agreed to.

REQUEST

REP. POOLMAN REQUESTED that the record show that he intended to vote YEA on HB 1257, which request was granted.

SECOND READING OF HOUSE BILL

HB 1046: A BILL for an Act to amend and reenact subsection 8 of section 54-44.1-06 of the North Dakota Century Code, relating to the contents of budget data prepared by the director of the budget.

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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; 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; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemmin; 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

Engrossed HB 1046 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1071: A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to postretirement adjustments for supreme and district court judges under the public employees retirement system; and to amend and reenact subdivision e of subsection 4 of section 54-52-17 and subsection 6 of section 54-52-17 of the North Dakota Century Code, relating to disability retirement and survivor's benefits for supreme and district court judges under the public employees retirement system.

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 97 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; 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; Klemmin; 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: Froelich

Engrossed HB 1071 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1143: A BILL for an Act to provide for patient copies of medical records.

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, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Berg; Brusegaard; Cleary; Devlin; Nelson; Pollert; Rose; Thoreson, L.; Thorpe

ABSENT AND NOT VOTING: Lemieux

Engrossed HB 1143 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1194: A BILL for an Act to provide for the notification of a person with power of attorney by the public administrator before receiving a subsequent power of attorney.

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

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Eckre; Ekstrom; Fairfield; Froelich; Galvin; Glassheim; Gorder; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; 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: Carlson; Clark; Delzer; Drovdal; Froseth; Grande; Klemin

Engrossed HB 1194 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1267: A BILL for an Act to amend and reenact section 9-08-06 of the North Dakota Century Code, relating to contract provisions restraining business.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 67 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Brandenburg; Brekke; Brusegaard; Byerly; Carlson; Clark; Dalrymple; DeKrey; Devlin; Disrud; Dorso; Drovdal; Froseth; Galvin; Glassheim; Gorder; Grande; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Maragos; Martinson; Metcalf; Mickelson; Monson; Nelson; Nicholas; Niemeier; Nottestad; Pollert; Poolman; Porter; Price; Rennerfeldt; Sandvig; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wikenheiser; Winrich; Speaker Wald

NAYS: Boehm; Boucher; Carlisle; Cleary; Delmore; Delzer; Eckre; Fairfield; Froelich; Grosz; Henegar; Hoffner; Kelsh, S.; Kerzman; Lemieux; Lloyd; Lundgren; Mahoney; Meyer; Mueller; Nichols; Nowatzki; Renner; Rose; Schmidt; Solberg; Stefonowicz; Thorpe

ABSENT AND NOT VOTING: Ekstrom; Kempenich; Wentz

Engrossed HB 1267 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1268: A BILL for an Act to create and enact a new subsection to section 47-02-27.4 and two new sections to chapter 47-02 of the North Dakota Century Code, relating to exclusions from the statutory rule against perpetuities and restrictions on irrevocable trusts; and to amend and reenact section 47-02-27.1 of the North Dakota Century Code, relating to the rule against perpetuities.

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 16 YEAS, 82 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Berg; Bernstein; Brekke; Galvin; Johnson, N.; Keiser; Klein; Klemin; Lemieux; Maragos; Martinson; Mickelson; Poolman; Porter; Severson; Speaker Wald

NAYS: Aarsvold; Belter; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glasheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Metcalf; Meyer; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich

Engrossed HB 1268 was declared lost.

SECOND READING OF HOUSE BILL

HB 1272: A BILL for an Act to amend and reenact sections 49-11-21 and 49-11-22 of the North Dakota Century Code, relating to the sounding of a warning device on a locomotive engine.

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 80 YEAS, 18 NAYS, 0 EXCUSED, 0 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; Ekstrom; Fairfield; Froseth; Galvin; Glasheim; Grande; Grosz; Grumbo; Gunter; Haas; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Aarsvold; Boucher; Eckre; Froelich; Gorder; Gullerson; Hanson; Kerzman; Lemieux; Lloyd; Lundgren; Mahoney; Nichols; Niemeier; Schmidt; Solberg; Stefonowicz; Thorpe

Engrossed HB 1272 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1339: A BILL for an Act to create and enact a new section to chapter 15-04 and a new section to chapter 15-07 of the North Dakota Century Code, relating to original grant and nongrant lands leases; and to amend and reenact section 15-07-20 of the North Dakota Century Code, relating to nongrant land leases.

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 22 YEAS, 76 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brekke; Carlson; Delmore; Eckre; Grande; Hanson; Hoffner; Johnson, N.; Keiser; Kelsh, S.; Kroeber; Metcalf; Mueller; Niemeier; Nottestad; Rose; Sandvig; Thoreson, L.; Wentz; Winrich

NAYS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glasheim; Gorder; Grosz; Grumbo; Gullerson; Gunter; Haas; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Nelson; Nicholas; Nichols; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thorpe; Timm; Tollefson; Warner; Weisz; Wikenheiser; Speaker Wald

Engrossed HB 1339 was declared lost.

SECOND READING OF HOUSE BILL

HB 1362: A BILL for an Act to amend and reenact sections 11-10-10 and 11-10-10.1 of the North Dakota Century Code, relating to the salaries of elected county officers; 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 78 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Boehm; Carlisle; Carlson; Delzer; Devlin; Froelich; Gorder; Grande; Gulleson; Johnson, N.; Kerzman; Lloyd; Lundgren; Meyer; Nelson; Renner; Solberg; Stefonowicz; Timm; Tollefson

Engrossed HB 1362 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1379: A BILL for an Act to create and enact a new section to chapter 12.1-21 of the North Dakota Century Code, relating to interference with a telephone during emergency calls.

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

YEAS: Aarsvold; Berg; Bernstein; Boehm; Boucher; 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; 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; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Belter

Engrossed HB 1379 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that HB 1381 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1427: A BILL for an Act to amend and reenact subsection 1 of section 15-40.1-06 of the North Dakota Century Code, relating to per student payments.

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 42 YEAS, 55 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Delmore; Disrud; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Gordier; Grumbo; Gulleson; Hanson; Hawken; Herbel; Hoffner; Huether; Kelsh, S.; Kerzman; Klein; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; 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; Dorso; Drovdal; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Henegar; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Mickelson; 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: Monson

Engrossed HB 1427 was declared lost.

SECOND READING OF HOUSE BILL

HB 1444: A BILL for an Act to amend and reenact section 43-09-16 of the North Dakota Century Code, relating to persons exempt from electrician's licensure requirements; to provide a contingent 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 95 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boehm; Boucher; 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; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; 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; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Gordier; Herbel

ABSENT AND NOT VOTING: Aarsvold

Engrossed HB 1444 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1452: A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to required insurance coverage for dental anesthesia and hospitalization.

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 49 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Byerly; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grumbo; Gunter; Hanson; Hawken; Hoffner; Huether; Jensen; Johnson, N.; Kelsh, S.; Kerzman; Klemin; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mueller; Nicholas; Nichols; Niemeier;

Nottestad; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Sveen; Thorpe; Timm; Tollefson; Warner; Wentz; Winrich

NAYS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Gorder; Grande; Grosz; Gulleson; Haas; Henegar; Herbel; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Klein; Kliniske; Koppang; Koppelman; Lloyd; Mickelson; Monson; Nelson; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Weisz; Wikenheiser; Speaker Wald

ABSENT AND NOT VOTING: Pollert

Engrossed HB 1452 was declared lost for lack of a Constitutional majority.

REQUEST

REP. POLLERT REQUESTED that the record show that he intended to vote NAY on HB 1452, which request was granted.

SECOND READING OF HOUSE BILL

HB 1207: A BILL for an Act to create and enact a new section to chapter 39-13 of the North Dakota Century Code, relating to a sign logo franchise program.

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 8 YEAS, 87 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Brusegaard; Drovdal; Kempenich; Meyer; Renner; Rennerfeldt; Speaker Wald

NAYS: Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Eckre; Ekstrom; Fairfield; 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.; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Poolman; Porter; Price; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich

ABSENT AND NOT VOTING: Froelich; Niemeier; Pollert

HB 1207 was declared lost.

SECOND READING OF HOUSE BILL

HB 1072: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 39-03.1-10.1 and subdivision a of subsection 4 of section 39-03.1-11 of the North Dakota Century Code, relating to refunds and computation of retirement benefits under the highway patrolmen's retirement system.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boehm; Boucher; 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; 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; Stefonowicz;

Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Aarsvold; Solberg

HB 1072 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1095: A BILL for an Act to amend and reenact section 34-13-07 of the North Dakota Century Code, relating to bond requirements to renew employment agency licenses.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Delzer; Solberg

HB 1095 passed and the title was agreed to.

REQUEST

REP. AARSVOLD REQUESTED that the record show that he intended to vote YEA on HB 1072, which request was granted.

SECOND READING OF HOUSE BILL

HB 1141: A BILL for an Act to amend and reenact section 54-34.3-03 and subsection 8 of section 54-34.3-04 of the North Dakota Century Code, relating to the structure and duties of the department of economic development and finance; and to repeal section 54-34-06.1 of the North Dakota Century Code, relating to dissemination of in-state manufacturer product listings.

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

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

ABSENT AND NOT VOTING: Solberg

HB 1141 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1261: A BILL for an Act to amend and reenact section 65-02-03.1 of the North Dakota Century Code, relating to workers compensation board of directors composition.

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 14 YEAS, 83 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Fairfield; Gulleeson; Hanson; Hoffner; Kelsh, S.; Kerzman; Kroeber; Niemeier; Rose; Schmidt; Winrich

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

ABSENT AND NOT VOTING: Galvin

HB 1261 was declared lost.

SECOND READING OF HOUSE BILL

HB 1263: A BILL for an Act to amend and reenact sections 62-02-08, 65-02-15, subsection 1 of 65-05.1-06.1, and section 65-10-03 of the North Dakota Century Code, relating to workers compensation attorney fees.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 85 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Fairfield; Grumbo; Gulleeson; Hoffner; Kelsh, S.; Martinson; Niemeier; Rose; Sveen; Winrich

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

HB 1263 was declared lost.

SECOND READING OF HOUSE BILL

HB 1282: A BILL for an Act to create and enact a new section to chapter 15-59 of the North Dakota Century Code, relating to special education credentials.

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 50 YEAS, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boehm; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Gunter; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, N.; Keiser; Kempenich; Koppang; Koppelman; Lemieux; Lloyd;

Martinson; Meyer; Renner; Rennerfeldt; Sandvig; Severson; Sveen; Thoreson, B.; Timm; Tollefson; Weisz; Winrich; Speaker Wald

NAYS: Aarsvold; Boucher; Brandenburg; Delmore; Drovdal; Fairfield; Froelich; Grumbo; Gulleston; Haas; Hanson; Hoffner; Johnson, D.; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemin; Kliniske; Kroeber; Lundgren; Mahoney; Maragos; Metcalf; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Rose; Schmidt; Solberg; Stefonowicz; Svedjan; Thoreson, L.; Thorpe; Warner; Wentz; Wikenheiser

ABSENT AND NOT VOTING: Dorso

HB 1282 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1312: A BILL for an Act to amend and reenact section 39-04-19 of the North Dakota Century Code, relating to the registration of motorcycles and trailers.

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 58 YEAS, 39 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Clark; Dalrymple; DeKrey; Delzer; Eckre; Ekstrom; Fairfield; Gorder; Grosz; Gunter; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klemin; Kliniske; Koppang; Koppelman; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Monson; Mueller; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Poolman; Porter; Renner; Sandvig; Schmidt; Sveen; Thoreson, B.; Thorpe; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Bernstein; Byerly; Carlson; Cleary; Delmore; Devlin; Disrud; Dorso; Drovdal; Froseth; Galvin; Glassheim; Grande; Grumbo; Gulleston; Haas; Hanson; Hawken; Henegar; Kempenich; Klein; Kroeber; Lemieux; Lloyd; Lundgren; Meyer; Nelson; Pollert; Price; Rennerfeldt; Rose; Severson; Solberg; Stefonowicz; Svedjan; Thoreson, L.; Timm; Tollefson; Weisz

ABSENT AND NOT VOTING: Froelich

HB 1312 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1314: A BILL for an Act to provide for the protection of the intellectual property rights in the design of vehicle number plates.

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, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Byerly; Carlson; Kliniske; Koppelman

ABSENT AND NOT VOTING: Huether; Svedjan

HB 1314 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1315: A BILL for an Act to amend and reenact section 36-21.1-02 of the North Dakota Century Code, relating to the abandonment of animals.

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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; 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; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Brusegaard; Huether; Svedjan

HB 1315 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1327: A BILL for an Act to amend and reenact sections 20.1-06-07 and 20.1-06-08 of the North Dakota Century Code, relating to fishhouses.

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 95 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; 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; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Jensen; Johnson, D.; 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: Henegar; Johnson, N.

ABSENT AND NOT VOTING: Huether

HB 1327 passed and the title was agreed to.

REQUEST

REP. GUNTER REQUESTED that the record show that she intended to vote NAY on HB 1314, which request was granted.

SECOND READING OF HOUSE BILL

HB 1346: A BILL for an Act to create and enact a new section to chapter 14-05 of the North Dakota Century Code, relating to mediation in divorce cases.

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 36 YEAS, 60 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Boucher; Byerly; Carlson; Delzer; Devlin; Disrud; Fairfield; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Hawken; Keiser; Kelsh, S.; Kliniske; Koppelman; Kroeber; Lemieux; Lundgren; Metcalf; Mickelson; Nelson; Nichols; Niemeier; Nowatzki; Porter; Sandvig; Solberg; Stefonowicz; Thorpe; Warner; Winrich

NAYS: Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Gorder; Haas; Hanson; Henegar; Herbel; Hoffner; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Koppang; Koppang; Lloyd; Mahoney; Maragos; Martinson; Meyer; Monson; Mueller; Nottestad; Pollert; Poolman; Price; Renner; Rennerfeldt; Rose; Schmidt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

ABSENT AND NOT VOTING: Huether; Nicholas

HB 1346 was declared lost.

SECOND READING OF HOUSE BILL

HB 1350: A BILL for an Act to amend and reenact sections 39-20-03.1, 39-20-03.2, 39-20-04.1 and subsections 2 and 5 of section 30-20-05 of the North Dakota Century Code, relating to pre-conviction suspension of motor vehicle operator's licenses based upon chemical test results.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 98 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; 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; 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; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

HB 1350 was declared lost.

SECOND READING OF HOUSE BILL

HB 1365: A BILL for an Act to amend and reenact subsection 4 of section 28-32-02 of the North Dakota Century Code, relating to notice of rulemaking by the superintendent of public instruction; and to declare an emergency.

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 81 YEAS, 17 NAYS, 0 EXCUSED, 0 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; Froelich; Froseth; Galvin; Gorder; Grande; Grosz; Gulleson; Gunter; Haas; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen;

Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser;
Speaker Wald

NAYS: Aarsvold; Boucher; Ekstrom; Fairfield; Glassheim; Grumbo; Hanson; Kelsh, S.;
Kerzman; Kroeber; Lundgren; Nichols; Niemeier; Stefonowicz; Thorpe; Warner; Winrich

HB 1365 passed, the title was agreed to, and the emergency clause was declared carried.

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 1177, HB 1196, HB 1243, HB 1275, HB 1295, HB 1325, HB 1329, HB 1330, HB 1353, HB 1382, HB 1424, HB 1447, HB 1450, HB 1473, HB 1474.

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., Wednesday, February 10, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1040: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1040 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "create and enact a new section to chapter 61-04.1" with "amend and reenact sections 61-04.1-03, 61-04.1-08, 61-04.1-09, 61-04.1-20, 61-04.1-21, 61-04.1-38, and 61-04.1-39"

Page 1, line 2, remove "a statewide" and replace "program" with "operations"

Page 1, line 3, remove "to amend and reenact section 61-04.1-12 of the North Dakota Century Code,"

Page 1, line 4, remove "relating to hail suppression license and permit requirements; to provide an appropriation;"

Page 1, line 5, replace "provide an expiration date" with "repeal section 61-04.1-03.1 of the North Dakota Century Code, relating to the transition from the weather modification board to the atmospheric resource board"

Page 1, line 7, replace "61-04.1-12" with "61-04.1-03"

Page 1, after line 8, replace the remainder of the bill with:

"61-04.1-03. Definitions. As used ~~herein~~ in this chapter, unless the context or ~~subject matter~~ otherwise requires:

1. "Board" means the North Dakota atmospheric resource board which, in the exercise of the powers granted ~~herein~~ under this chapter, ~~shall have~~ has all of the powers of an administrative agency as defined in chapter 28-32.
2. "Controller" refers to any licensee duly authorized in this state to engage in weather modification activities.
3. "Geographical region" means a geographical area with a contiguous boundary that may enclose a portion of any county or counties.
4. "Hail suppression" refers to the activation of any process ~~which~~ that will reduce, modify, suppress, eliminate, or soften hail formed in clouds or storms.
4. 5. "Increasing precipitation" refers to the activation of any process ~~which~~ that will actually result in greater amounts of moisture reaching the ground in any area from a cloud or cloud system than would have occurred naturally.

- 5- 6. "Initiating precipitation" refers to the process of causing precipitation from clouds ~~that~~ which could not otherwise have occurred naturally or inducing precipitation significantly earlier than would have occurred naturally.
- 6- 7. "Operation" means the performance of any weather modification activity undertaken for the purpose of producing or attempting to produce any form of modifying effect upon the weather within a limited geographical area or within a limited period of time.
- 7- 8. "Research and development" means exploration, field experimentation, and extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production of models, devices, equipment, materials, and processes.
- 8- 9. "Weather modification" means and extends to the control, alteration, and amelioration of weather elements including man-caused changes in the natural precipitation process, hail suppression or modification, and alteration of other weather phenomena including clouds, temperature, wind direction, and velocity, and the initiating, increasing, decreasing, and otherwise modifying by artificial methods of precipitation in the form of rain, snow, hail, mist, or fog through cloud seeding, electrification, or by other means to provide immediate practical benefits.

SECTION 2. AMENDMENT. Section 61-04.1-08 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-08. Powers and duties of board. The board ~~may exercise~~ has the following powers and ~~shall have the following~~ duties:

1. The board shall appoint an executive director to serve at ~~its~~ the board's discretion; and to perform such duties ~~as~~ assigned by the board.
2. The board shall authorize the employment of ~~whatever~~ staff ~~it~~ the board deems necessary to carry out the provisions of this chapter. The executive director shall hire the staff, subject to the approval of the board.
3. The board shall adopt rules concerning qualifications, procedures, and conditions for issuance, revocation, suspension, and modification of licenses and permits; standards and instructions governing weather modification operations, including monitoring and evaluation; recordkeeping and reporting, and the board shall establish procedures and forms for ~~such~~ this recordkeeping and reporting. The board may adopt all other rules necessary to the administration of this chapter. The provisions of chapter 28-32 ~~shall~~ apply to this chapter; and rules of the board ~~shall~~ must be published in the North Dakota Administrative Code.
4. The board may contract with any person, ~~association, partnership, corporation, or limited liability company,~~ with the federal government, and ~~with any county or groups of counties,~~ as provided in section 61-04.1-20, to carry out weather modification operations and ~~shall~~, in connection with regulated weather modification operations in a county or geographical region, shall carry on monitoring and evaluation activities.
5. The board may order any person who is conducting weather modification operations in violation of this chapter; or any rules adopted ~~pursuant~~ to it implement this chapter, to cease and desist from ~~such~~ those operations and the order ~~shall be~~ is enforceable in any court of competent jurisdiction within this state.
6. The board may cooperate and contract with any ~~private~~ person ~~or any local, state, or national commission, organization, or agency~~ engaged in activities similar to the work of the board and may make contracts and agreements to carry out programs consistent with the purpose and intent of this chapter. The board may ~~also, in accordance with law,~~ request and accept any grants of funds or services from any ~~such~~ commission, organization, person, or agency, and expend ~~such~~ these funds or use ~~such~~ these services to carry out ~~the provisions of~~ this chapter.

7. The board shall monitor the current state of knowledge regarding the magnitude and impacts of possible regional and global climatic changes and shall provide ~~such~~ information to other state agencies that may benefit from ~~such~~ this knowledge.
8. The board shall administer and enforce the provisions of this chapter and do all things reasonably necessary to effectuate the purposes of this chapter.
9. The board may plan and study a hail suppression pilot program that would provide urban and rural hail suppression operations statewide or to any portion of the state.

SECTION 3. AMENDMENT. Section 61-04.1-09 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-09. Board to establish research and development program - Hail suppression pilot program.

1. The board shall establish a program of weather modification research and development in this state. The board shall supervise and coordinate all research and development activities in the state or research and development activities outside of the state participated in or conducted by any state institution or state or county agency.
2. If the board plans and studies a hail suppression pilot program, the board may conduct a planning phase that includes studying the impact on the environment, providing public education, and formulating an operations plan.

SECTION 4. AMENDMENT. Section 61-04.1-20 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-20. Board may create operating districts - Representation of noncontracting counties. The board ~~shall have the authority to~~ may place any county ~~contracting or geographical region for which a person contracts with the state for weather modification operations; in such an any operational district as the board shall deem determines necessary to best provide such that county or geographical region~~ with the benefits of weather modification. In determining the boundaries of ~~such an operating districts district~~, the board shall consider the patterns of crops within the state, climatic patterns, and the limitations of aircraft and other technical equipment. The board may assign any county ~~which that~~ has not created a weather modification authority under this chapter to an operating district solely for the purpose of representation on the operations committee of ~~such that~~ district.

SECTION 5. AMENDMENT. Section 61-04.1-21 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-21. District operations advisory committees created - Duties.

1. There ~~shall~~ must be a district operations advisory committee in each operations district created in accordance with section 61-04.1-20. Each committee ~~shall~~ must be composed of one commissioner of the weather modification authority from each county within ~~such the district, a representative of each geographical region assigned to the district under section 61-04.1-20, and one member of the board of county commissioners from the each county or counties assigned to the district in accordance with under section 61-04.1-20.~~ Each advisory committee ~~shall~~, upon majority vote, with the concurrence of the board, ~~prescribe~~ shall adopt rules and bylaws necessary to govern ~~its~~ that committee's procedures and meetings. Each committee shall evaluate weather modification operations within ~~its respective that committee's~~ district and make recommendations and proposals to the board concerning ~~such~~ these operations.
2. The weather modification authority of any county authorized to contract for weather modification operations under this chapter ~~and which is not assigned to an operations district;~~ shall assume the functions of the district operations committee and ~~shall have and~~ may exercise the powers and duties assigned to the operations committees by this chapter and by the rules of the board.

SECTION 6. AMENDMENT. Section 61-04.1-38 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-38. Board may receive and expend funds. The board is hereby authorized to may receive and accept in the name of the state any ~~and all~~ funds ~~which may be that~~ are offered or become available from any federal grants grant or appropriations appropriation, private gifts gift, donations donation, or bequests bequest, county funds, or funds from any other source, except license and permit fees, and to expend ~~said these~~ funds for the expense of administering this chapter, and, with the exception of county funds, for the encouragement of research and development in weather modification by any private person, the North Dakota state university, the university of North Dakota, or any other appropriate state, county, or public agency in this state ~~either~~ by direct grant, ~~by~~ contract, or ~~by~~ other means.

All federal grants, federal appropriations, private gifts, donations, or bequests, county funds, or funds from any other source, except license and permit fees, received by the board ~~shall~~ must be paid over to the state treasurer, who shall credit ~~same this amount~~ to a special fund in the state treasury known as the "state weather modification fund". All proceeds deposited by the state treasurer in the state weather modification fund are hereby appropriated to the board and ~~shall~~, if expended, must be disbursed by warrant-check prepared by the office of management and budget upon vouchers submitted by the board, and ~~shall~~ must be used for the purpose of paying for the expense of administration of this chapter and, with the exception of county funds, for the encouragement of research and development in weather modification by any private person, the North Dakota state university, the university of North Dakota, or any other appropriate state, county, or public agency by direct grant, ~~by~~ contract, or ~~by~~ other means.

SECTION 7. AMENDMENT. Section 61-04.1-39 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-39. County appropriations - State to provide funds. Any county weather modification authority ~~which has that~~ contracted with the board for weather modification operations under this chapter shall appropriate to the state weather modification fund ~~such the~~ amount ~~as is~~ determined by the board to be necessary to provide ~~such that~~ county with weather modification operations. The board may expend, from the state weather modification fund, ~~such the~~ funds ~~as it the board~~ deems necessary to provide a contracting counties county or geographical region with weather modification operations.

SECTION 8. REPEAL. Section 61-04.1-03.1 of the North Dakota Century Code is repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1128: Transportation Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1128 was placed on the Sixth order on the calendar.

Page 1, line 11, after the period insert "Upon the request of a state agency and an agreement between the agency and director for the use of the motor vehicle related equipment, the director may purchase or lease motor vehicle related equipment and include that equipment within the system."

Page 1, line 12, after "vehicles" insert "and motor vehicle related equipment"

Page 1, line 21, after the underscored period insert "The rate must be based on the rate provided in section 54-06-09, increased by the actual cost per mile caused by the special equipment, and may not exceed the cost associated with the special equipment expressed as the new value plus the depreciated fair market value in eight years divided by two, divided by forty thousand miles."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1144, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (15 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1144 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1152: 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 1152 was placed on the Sixth order on the calendar.

Page 2, line 5, remove "or under contract with"

Page 2, line 6, after "county" insert an underscored comma and after "agency" insert "or a nonprofit agency under contract with any federal, state, county, or municipal agency"

Page 2, line 8, after "agency" insert "or are related to the contract with that agency"

Page 11, line 6, remove "**for master's level psychologists**"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1183: Transportation Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1183 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "39-04-19" insert ", 57-43.1-02, and 57-43.2-02"

Page 1, line 2, after "fees" insert "and the rate of motor vehicle fuels and special fuels taxes", remove "and", and after "date" insert "; and to declare an emergency"

Page 2, line 6, replace "\$64.00" with "\$57.00", replace "\$56.00" with "\$49.00", replace "\$48.00" with "\$41.00", and replace "\$40.00" with "\$33.00"

Page 2, line 7, replace "84.00" with "77.00", replace "72.00" with "65.00", replace "60.00" with "53.00", and replace "48.00" with "41.00"

Page 2, line 8, replace "102.00" with "95.00", replace "85.00" with "78.00", replace "70.00" with "63.00", and replace "54.00" with "47.00"

Page 2, line 9, replace "133.00" with "126.00", replace "111.00" with "104.00", replace "89.00" with "82.00", and replace "67.00" with "60.00"

Page 2, line 10, replace "166.00" with "159.00", replace "137.00" with "130.00", replace "108.00" with "101.00", and replace "80.00" with "73.00"

Page 2, line 11, replace "199.00" with "192.00", replace "163.00" with "156.00", replace "128.00" with "121.00", and replace "93.00" with "86.00"

Page 2, line 12, replace "232.00" with "225.00", replace "190.00" with "183.00", replace "148.00" with "141.00", and replace "106.00" with "99.00"

Page 2, line 13, replace "265.00" with "258.00", replace "216.00" with "209.00", replace "168.00" with "161.00", and replace "119.00" with "112.00"

Page 3, line 6, replace "\$67.00" with "\$57.00", replace "\$54.00" with "\$44.00", replace "\$49.00" with "\$39.00", and replace "\$46.00" with "\$36.00"

Page 3, line 7, replace "72.00" with "62.00", replace "59.00" with "49.00", replace "53.00" with "43.00", and replace "47.00" with "37.00"

Page 3, line 8, replace "77.00" with "67.00", replace "64.00" with "54.00", replace "57.00" with "47.00", and replace "48.00" with "38.00"

Page 3, line 9, replace "82.00" with "72.00", replace "69.00" with "59.00", replace "61.00" with "51.00", and replace "50.00" with "40.00"

Page 3, line 10, replace "87.00" with "77.00", replace "74.00" with "64.00", replace "65.00" with "55.00", and replace "52.00" with "42.00"

Page 3, line 11, replace "92.00" with "82.00", replace "79.00" with "69.00", replace "69.00" with "59.00", and replace "55.00" with "45.00"

Page 3, line 12, replace "97.00" with "87.00", replace "84.00" with "74.00", replace "73.00" with "63.00", and replace "58.00" with "48.00"

Page 3, line 13, replace "102.00" with "92.00", replace "89.00" with "79.00", replace "77.00" with "67.00", and replace "60.00" with "50.00"

Page 3, line 14, replace "105.00" with "95.00", replace "92.00" with "82.00", replace "79.00" with "69.00", and replace "61.00" with "51.00"

Page 4, line 10, replace "\$127.00" with "\$121.00", replace "\$98.00" with "\$94.00", and replace "\$84.00" with "\$80.00"

Page 4, line 11, replace "184.00" with "176.00", replace "151.00" with "144.00", and replace "134.00" with "128.00"

Page 4, line 12, replace "251.00" with "240.00", replace "205.00" with "196.00", and replace "181.00" with "173.00"

Page 4, line 13, replace "324.00" with "309.00", replace "263.00" with "251.00", and replace "233.00" with "222.00"

Page 4, line 14, replace "391.00" with "368.00", replace "317.00" with "303.00", and replace "280.00" with "267.00"

Page 4, line 15, replace "458.00" with "437.00", replace "371.00" with "354.00", and replace "326.00" with "311.00"

Page 4, line 16, replace "525.00" with "501.00", replace "424.00" with "405.00", and replace "373.00" with "356.00"

Page 4, line 17, replace "592.00" with "565.00", replace "478.00" with "456.00", and replace "421.00" with "402.00"

Page 4, line 18, replace "669.00" with "639.00", replace "542.00" with "517.00", and replace "477.00" with "455.00"

Page 4, line 19, replace "736.00" with "703.00", replace "596.00" with "569.00", and replace "524.00" with "500.00"

Page 4, line 20, replace "803.00" with "766.00", replace "649.00" with "620.00", and replace "571.00" with "545.00"

Page 4, line 21, replace "871.00" with "831.00", replace "702.00" with "670.00", and replace "619.00" with "591.00"

Page 4, line 22, replace "938.00" with "895.00", replace "756.00" with "722.00", and replace "665.00" with "635.00"

Page 4, line 23, replace "1,005.00" with "959.00", replace "810.00" with "773.00", and replace "712.00" with "680.00"

Page 4, line 24, replace "1,072.00" with "1,023.00", replace "864.00" with "825.00", and replace "759.00" with "725.00"

Page 4, line 25, replace "1,139.00" with "1,087.00", replace "918.00" with "876.00", and replace "807.00" with "770.00"

Page 4, line 26, replace "1,274.00" with "1,216.00", replace "1,033.00" with "986.00", and replace "902.00" with "861.00"

Page 4, line 27, replace "1,408.00" with "1,344.00", replace "1,148.00" with "1,096.00", and replace "998.00" with "953.00"

Page 4, line 28, replace "1,543.00" with "1,473.00", replace "1,263.00" with "1,206.00", and replace "1,094.00" with "1,044.00"

Page 4, line 29, replace "1,677.00" with "1,601.00", replace "1,379.00" with "1,316.00", and replace "1,191.00" with "1,137.00"

Page 4, line 30, replace "1,811.00" with "1,729.00", replace "1,493.00" with "1,425.00", and replace "1,286.00" with "1,228.00"

Page 4, line 31, replace "1,945.00" with "1,857.00", replace "1,609.00" with "1,536.00", and replace "1,382.00" with "1,319.00"

Page 5, line 1, overstrike "fifteen" and insert immediately thereafter "twenty-two"

Page 7, line 14, replace "\$97.00" with "\$93.00", replace "\$82.00" with "\$78.00", replace "\$66.00" with "\$63.00", and replace "\$47.00" with "\$45.00"

Page 7, line 15, replace "103.00" with "98.00", replace "86.00" with "82.00", replace "70.00" with "67.00", and replace "49.00" with "47.00"

Page 7, line 16, replace "112.00" with "107.00", replace "93.00" with "89.00", replace "74.00" with "71.00", and replace "51.00" with "49.00"

Page 7, line 17, replace "123.00" with "117.00", replace "102.00" with "97.00", replace "81.00" with "77.00", and replace "55.00" with "53.00"

Page 7, line 18, replace "134.00" with "128.00", replace "110.00" with "105.00", replace "87.00" with "83.00", and replace "60.00" with "57.00"

Page 7, line 19, replace "150.00" with "143.00", replace "125.00" with "119.00", replace "99.00" with "95.00", and replace "70.00" with "67.00"

Page 7, line 20, replace "161.00" with "154.00", replace "134.00" with "128.00", replace "106.00" with "101.00", and replace "74.00" with "71.00"

Page 7, line 21, replace "172.00" with "164.00", replace "142.00" with "136.00", replace "113.00" with "108.00", and replace "79.00" with "75.00"

Page 7, line 22, replace "183.00" with "175.00", replace "151.00" with "144.00", replace "119.00" with "114.00", and replace "83.00" with "79.00"

Page 7, line 23, replace "194.00" with "185.00", replace "160.00" with "153.00", replace "126.00" with "120.00", and replace "87.00" with "83.00"

Page 7, line 24, replace "205.00" with "196.00", replace "169.00" with "161.00", replace "132.00" with "126.00", and replace "92.00" with "88.00"

Page 7, line 25, replace "216.00" with "206.00", replace "178.00" with "170.00", replace "139.00" with "133.00", and replace "96.00" with "92.00"

Page 7, line 26, replace "227.00" with "217.00", replace "186.00" with "178.00", replace "146.00" with "139.00", and replace "101.00" with "96.00"

Page 7, line 27, replace "238.00" with "227.00", replace "195.00" with "186.00", replace "152.00" with "145.00", and replace "105.00" with "100.00"

Page 7, line 28, replace "249.00" with "237.00", replace "204.00" with "195.00", replace "159.00" with "152.00", and replace "109.00" with "104.00"

Page 7, line 29, replace "271.00" with "258.00", replace "224.00" with "214.00", replace "176.00" with "168.00", and replace "125.00" with "119.00"

Page 7, line 30, replace "282.00" with "269.00", replace "233.00" with "222.00", replace "183.00" with "175.00", and replace "129.00" with "123.00"

Page 7, line 31, replace "293.00" with "280.00", replace "241.00" with "230.00", replace "190.00" with "181.00", and replace "134.00" with "128.00"

Page 8, line 1, replace "304.00" with "290.00", replace "250.00" with "239.00", replace "196.00" with "187.00", and replace "138.00" with "132.00"

- Page 8, line 2, replace "315.00" with "301.00", replace "259.00" with "247.00", replace "203.00" with "194.00", and replace "142.00" with "136.00"
- Page 8, line 3, replace "326.00" with "311.00", replace "268.00" with "256.00", replace "209.00" with "200.00", and replace "147.00" with "140.00"
- Page 8, line 4, replace "337.00" with "322.00", replace "277.00" with "264.00", replace "216.00" with "206.00", and replace "151.00" with "144.00"
- Page 8, line 5, replace "348.00" with "332.00", replace "285.00" with "272.00", replace "223.00" with "212.00", and replace "156.00" with "149.00"
- Page 8, line 6, replace "359.00" with "343.00", replace "294.00" with "281.00", replace "229.00" with "219.00", and replace "160.00" with "153.00"
- Page 8, line 7, replace "370.00" with "353.00", replace "303.00" with "289.00", replace "236.00" with "225.00", and replace "164.00" with "157.00"
- Page 8, line 8, replace "381.00" with "364.00", replace "312.00" with "298.00", replace "242.00" with "231.00", and replace "169.00" with "161.00"
- Page 8, line 9, replace "392.00" with "374.00", replace "321.00" with "306.00", replace "249.00" with "238.00", and replace "173.00" with "165.00"
- Page 8, line 10, replace "403.00" with "385.00", replace "329.00" with "314.00", replace "256.00" with "244.00", and replace "178.00" with "170.00"
- Page 8, line 11, replace "414.00" with "395.00", replace "338.00" with "323.00", replace "262.00" with "250.00", and replace "182.00" with "174.00"
- Page 8, line 12, replace "425.00" with "406.00", replace "347.00" with "331.00", replace "269.00" with "257.00", and replace "186.00" with "178.00"
- Page 8, line 13, replace "436.00" with "416.00", replace "356.00" with "340.00", replace "275.00" with "263.00", and replace "191.00" with "182.00"
- Page 8, line 14, replace "447.00" with "427.00", replace "380.00" with "363.00", replace "323.00" with "308.00", and replace "274.00" with "262.00"
- Page 8, line 15, replace "469.00" with "448.00", replace "399.00" with "381.00", replace "338.00" with "323.00", and replace "288.00" with "275.00"
- Page 8, line 16, replace "491.00" with "469.00", replace "417.00" with "398.00", replace "354.00" with "338.00", and replace "301.00" with "287.00"
- Page 8, line 17, replace "513.00" with "490.00", replace "436.00" with "416.00", replace "369.00" with "352.00", and replace "314.00" with "300.00"
- Page 8, line 18, replace "535.00" with "511.00", replace "455.00" with "434.00", replace "384.00" with "367.00", and replace "327.00" with "312.00"
- Page 8, line 19, replace "557.00" with "532.00", replace "473.00" with "452.00", replace "400.00" with "382.00", and replace "340.00" with "325.00"
- Page 8, line 20, replace "579.00" with "553.00", replace "492.00" with "470.00", replace "415.00" with "396.00", and replace "354.00" with "338.00"
- Page 8, line 21, replace "601.00" with "574.00", replace "511.00" with "488.00", replace "431.00" with "411.00", and replace "367.00" with "350.00"
- Page 8, line 22, replace "623.00" with "595.00", replace "530.00" with "506.00", replace "446.00" with "426.00", and replace "380.00" with "363.00"
- Page 8, line 23, replace "645.00" with "616.00", replace "548.00" with "523.00", replace "461.00" with "440.00", and replace "393.00" with "375.00"
- Page 8, line 24, replace "667.00" with "637.00", replace "567.00" with "541.00", replace "477.00" with "455.00", and replace "406.00" with "388.00"

Page 8, line 25, replace "689.00" with "658.00", replace "586.00" with "559.00", replace "492.00" with "470.00", and replace "420.00" with "401.00"

Page 13, after line 28, insert:

"SECTION 2. AMENDMENT. Section 57-43.1-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-43.1-02. ~~(Effective through December 31, 1999)~~ Tax imposed on motor vehicle fuels.

1. Except as otherwise provided in this section, a tax of ~~twenty~~ twenty-two cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state.
2. The dealer shall collect the tax imposed by this section from the consumer on all sales.
3. Sales of fuel in the original package may be made to a licensed dealer, and the dealer may collect the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer is liable for the tax.

~~(Effective after December 31, 1999) Tax imposed on motor vehicle fuels.~~

- ~~1. Except as otherwise provided in this section, a tax of seventeen cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state.~~
- ~~2. The dealer shall collect the tax imposed by this section from the consumer on all sales.~~
- ~~3. Sales of fuel in the original package may be made to a licensed dealer, and the dealer may collect the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer is liable for the tax.~~

SECTION 3. AMENDMENT. Section 57-43.2-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-43.2-02. ~~(Effective through December 31, 1999)~~ Tax imposed.

1. Except as otherwise provided in this chapter, an excise tax of ~~twenty~~ twenty-two cents per gallon [3.79 liters] is imposed on the sale or delivery of special fuel to any consumer. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel.
2. The dealer shall remit the tax imposed by this section on all sales to consumers.
3. The dealer may make sales of special fuel to another dealer free of the tax imposed by this chapter.

~~(Effective after December 31, 1999) Tax imposed.~~

- ~~1. Except as otherwise provided in this chapter, an excise tax of seventeen cents per gallon [3.79 liters] is imposed on the sale or delivery of special fuel to any consumer. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel.~~
- ~~2. The dealer shall remit the tax imposed by this section on all sales to consumers.~~
- ~~3. The dealer may make sales of special fuel to another dealer free of the tax imposed by this chapter."~~

Page 13, line 29, replace "This" with "Section 1 of this"

Page 13, line 30, replace "December 31, 1999" with "March 31, 1999, and sections 2 and 3 of this Act are effective for sale, use, or delivery of motor vehicle fuels and special fuels after March 31, 1999"

Page 13, after line 30, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1185: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1185 was placed on the Sixth order on the calendar.

Page 1, after line 20, insert:

"6. "Emergency" means a situation in which an immediate search and seizure of an animal is necessary and authorized by section 8 of article I of the Constitution of North Dakota and the fourth amendment to the Constitution of the United States because of a risk of death or serious bodily injury to a human or another animal."

Page 1, line 21, replace "6" with "7"

Page 2, line 1, replace "7" with "8"

Page 2, line 3, replace "8" with "9"

Page 2, line 5, replace "9" with "10" and remove "inspected and approved by a"

Page 2, remove line 6

Page 2, line 7, remove "or a law enforcement officer"

Page 2, line 8, after "no" insert "reasonable"

Page 2, after line 9, insert:

"11. "Vaccinated animal" means an animal that has been vaccinated in compliance with the compendium of animal rabies control issued by the national association of state public health veterinarians."

Page 2, line 10, replace "10" with "12"

Page 4, line 3, replace "Upon" with "If a warrant is issued under section 23-36-04 and upon written"

Page 4, line 4, after the third comma insert "the wildlife services program of the United States department of agriculture animal and plant health inspection service,"

Page 4, after line 10, insert "The duty of the game and fish department to cooperate and provide assistance under this section is limited to cases involving a wild mammal and is applicable only if no other agency is available for law enforcement or animal control services."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1189: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (12 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). HB 1189 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1210: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1210 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1213: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1213 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1303: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1303 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1311: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1311 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 the regulation and licensing of persons who administer radiologic procedures and establishing a radiology technology board of examiners; to create a new subsection to section 43-12.1-08 of the North Dakota Century Code, relating to radiography practiced by a nurse; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 43-12.1-08 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

Adopt standards for the limited practice of radiology by a registered nurse or by a licensed practical nurse which require at least twelve hours of board-approved continuing education specific to radiography annually and which require a written radiology examination.

SECTION 2. Definitions. As used in sections 2 through 12 of this Act:

1. "Board" means the radiology technology board of examiners.
2. "Ionizing radiation" means gamma rays, x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other atomic or nuclear particles or rays. The term does not include sound or radio waves or visible, infrared, or ultraviolet light.
3. "License" means a certificate issued by the board authorizing the licensee to use equipment emitting ionizing radiation on a human for any diagnostic or therapeutic purpose specified under this chapter.
4. "Licensed practitioner" means an individual licensed in this state to practice medicine, dentistry, podiatry, chiropractic, optometry, or osteopathy or to practice as an advanced practice registered nurse or physician assistant.
5. "Nuclear medicine technologist" means an individual, other than a licensed practitioner, who uses radiopharmaceutical agents on a human for any diagnostic or therapeutic purpose.
6. "Public member" means a resident of the state, who is proficient in educational testing and measurements and who is not a licensed practitioner, radiologic technologist, registered or qualified dental assistant, or dental hygienist.
7. "Radiation therapist" means an individual, other than a licensed practitioner, who applies ionizing radiation to a human for any therapeutic purpose.
8. "Radiographer" means an individual who practices radiography.

9. "Radiography" means the application of ionizing radiation to a human for diagnostic or therapeutic purposes and, as related, includes the following:
 - a. Performing procedures or examinations performed upon the order of or for diagnostic interpretation by a licensed practitioner;
 - b. Performing optional patient care applying established and accepted protocols;
 - c. Supervising any peer or student of radiography, or both; and
 - d. Continuing the evaluation of responsibilities and methods with the recommendations for expansion of the profession with the advances in modern medical technology.
10. "Radiologic physicist" means an individual certified, or eligible for certification, by the American board of radiology in radiological physics or a subspecialty of radiologic physics.
11. "Radiologic technologist" means a radiographer, radiation therapist, or nuclear medicine technologist, who is registered by the American registry of radiologic technologists or board-approved equivalent or organization and is licensed under sections 2 through 12 of this Act to practice radiography on any body organ system.
12. "Radiologist" means a licensed physician certified, or eligible for certification, by the American board of radiology, American osteopathic board of radiology, British royal college of radiology, or the Canadian college of physicians and surgeons.
13. "Registered or qualified dental assistant" means an individual, other than a licensed practitioner, whose duties are restricted to radiography of the head and neck region for a diagnostic purpose.
14. "Restricted license technician" means the holder of a restricted license issued by the board, which authorizes the holder to practice radiography under the indirect supervision of a radiologic technologist or radiologist.
15. "Temporary license" means a certificate issued by the board authorizing the licensee to use equipment emitting ionizing radiation on a human for a diagnostic or therapeutic purpose. The licensee's license application or license renewal must be pending before the board and the issuance of the temporary license must be justified by special circumstances, as determined by the board.

SECTION 3. Licensure - Exceptions.

1. Effective August 1, 2000, it is unlawful for a person to use ionizing radiation on a human for a diagnostic or therapeutic purpose unless that person is a licensed practitioner, licensed radiologic technologist, registered or qualified dental assistant, or restricted license technician.
2. An individual licensed under sections 2 through 12 of this Act may use a radioactive substance or equipment emitting ionizing radiation on a human only if the use is for a diagnostic or therapeutic purpose by prescription of a licensed practitioner, and only if the application of the substance or the use of the equipment is limited in a manner specified in sections 2 through 12 of this Act.
3. The provisions of sections 2 through 12 of this Act relating to radiography do not limit, enlarge, or affect the practice of a licensed practitioner, a registered or qualified dental assistant, or a dental hygienist.
4. The licensure requirement of this section does not apply to the following individuals:
 - a. A student enrolled in and attending a school or college of medicine, osteopathy, podiatry, dentistry, dental hygiene, dental assistant, chiropractic, optometry, or radiologic technology who as a student

applies ionizing radiation to a human under the specific direction of an individual licensed to prescribe ionizing radiation.

- b. An individual licensed, registered, or classified as qualified by the state board of dental examiners who is administering an x-ray service related to the practice of dentistry.
- c. An individual licensed under chapter 43-12.1 as a registered nurse or a licensed practical nurse who meets the state board of nursing radiography education and examination requirements.

SECTION 4. Board - Members - Term of office - Vacancies - Officers. The board consists of eight members appointed by the governor for terms of three years except that of the initial members appointed, three shall serve three-year terms, two of whom must be radiologic technologists; three shall serve two-year terms; and two shall serve a one-year term. The terms of initial board members begin on August 1, 1999. Each board member must be a resident of the state, shall take the oath of office required of civil officers, and shall remain in office until a successor is appointed and qualified. In the case of a vacancy, the governor shall appoint a member to fill the position for the remainder of the unexpired term. Three board members must be radiologic technologists, one board member must be a licensed practitioner, one board member must be a radiological physicist, one board member must be a radiologist, one board member must be a chiropractor, and one board member must be a public member. The initial board members who are radiologic technologists are not required to be licensed, but each must have practiced as a radiologic technologist for at least three years.

SECTION 5. Board - Compensation - Expenses - Meetings - Duties. Each board member serves without compensation but is entitled to receive mileage and travel expenses incurred in the performance of board duties as provided under sections 44-08-04 and 54-06-09 at the same rate as state employees. Expenses incurred under this Act may not be charged against the funds of the state. Funds administered by the board do not revert to the general fund of the state. The board shall:

1. Meet at least once every six months.
2. Adopt rules for licensing, imposing discipline, handling appeals, and for otherwise implementing sections 2 through 12 of this Act.

SECTION 6. Board - Officers. The board shall elect a president and appoint a secretary-treasurer. The secretary-treasurer may not be a member of the board. The secretary-treasurer may be paid an annual salary and must be bonded for the faithful discharge of the secretary-treasurer's duties in the sum of one thousand dollars.

SECTION 7. Restricted licenses. The board shall issue a restricted license to an applicant who:

1. Pays a nonrefundable application fee;
2. Is at least eighteen years of age at the time of application;
3. Possesses a high school diploma or a general education equivalency certificate; and
4. Passes the restricted license exam.

SECTION 8. Radiologic technologist license. The board shall issue a radiologic technologist license to:

1. An applicant who as of August 1, 1999, has practiced as a radiographer for a period of at least six months.
2. An applicant who:
 - a. Pays a nonrefundable application fee;
 - b. Is at least eighteen years of age at the time of application;
 - c. Possesses a high school diploma or a general education equivalency certificate;

- d. Satisfactorily completes a board-approved course of study in radiology, radiation therapy, nuclear medicine, or an equivalent as determined by the board; and
- e. Possesses a current certificate by the American registry of radiologic technologists or by another recognized national voluntary credentialing body, issued on the basis of an examination satisfactory to the board.

SECTION 9. Temporary licenses. The board may issue a temporary license to any individual whose license application or license renewal is pending if issuance of the temporary license is justified by special circumstances. A temporary license may be issued only if issuing the temporary license will not endanger the public health and safety. A temporary license may not be issued for a period longer than one hundred eighty days.

SECTION 10. License display - License renewal - Continuing education requirements. Every holder of a license under sections 2 through 12 of this Act shall display the official license certificate or a verified copy in each place of employment. A restricted license and a radiologic technologist license must be renewed every two years. The board shall renew a restricted license or a radiologic technologist license upon receipt of payment of a renewal fee and of proof of successful completion of twenty-four board-approved continuing education units.

SECTION 11. Discipline. The board may suspend, refuse to renew, or revoke a license issued under this chapter or reprimand any licensee who is guilty of any of the following:

1. The practice of fraud or deceit in obtaining a license under sections 2 through 12 of this Act.
2. Any gross negligence, incompetence, or misconduct in the use of ionizing radiation.
3. Any offense determined by the board to have a direct bearing upon a licensee's ability to perform professional duties, or the board determines, following conviction of any offense, that a licensee is not sufficiently rehabilitated under section 12.1-33-02.1.
4. Violation of any code of ethics adopted by the board.

SECTION 12. Prohibited acts - Penalties. A person may not knowingly employ as a radiographer any person who does not meet the licensing requirements of sections 2 through 12 of this Act. Violation of sections 2 through 12 of this Act is a class A misdemeanor. In addition to the criminal penalty, the civil remedy of injunction is available to restrain and enjoin any violation of sections 2 through 12 of this Act without proof of actual damages sustained by any person."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1320: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1320 was placed on the Sixth order on the calendar.

Page 1, line 18, remove "In addition to the credit allowed"

Page 1, remove lines 19 through 22

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1324: Transportation Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1324 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "February fifteenth" and insert immediately thereafter "January first", overstrike the second "fifteenth", and replace "or to a" with "thirty-first"

Page 1, remove line 11

Page 1, line 12, remove "first to March fifteenth"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1336: Transportation Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1336 was placed on the Sixth order on the calendar.

Page 1, line 20, remove the overstrike over "5" and remove "10"

Page 1, line 21, remove the overstrike over "5", remove "10", remove the overstrike over "4", and remove "2"

Page 1, line 22, remove the overstrike over "40", remove "20", remove the overstrike over "4", and remove "2"

Page 2, line 17, remove the overstrike over "40", remove "20", remove the overstrike over "4", and remove "2"

Page 2, line 18, remove the overstrike over "45", remove "30", remove the overstrike over "2", and remove "3"

Page 2, line 19, remove the overstrike over "25", remove "45", remove the overstrike over "3", and remove "4"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1337: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1337 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the first "and"

Page 1, line 3, remove "subsection 2 of section 36-04-01,"

Page 1, line 6, after "livestock" insert "; and to provide a penalty"

Page 2, line 3, replace "A" with "If House Bill No. 1276 does not become effective, a"

Page 2, line 8, after "elaphus)" insert ", except red deer,"

Page 2, line 13, remove "**Promotion -**", after "**Rules**" insert "**- Data base**", and remove "The commissioner shall promote the raising of"

Page 2, line 14, remove "farmed elk." and replace "shall" with "may"

Page 2, line 15, after the underscored period insert "Any rules relating to nontraditional livestock and adopted by the board before August 1, 1999, are, if applicable to farmed elk, deemed to apply to farmed elk until otherwise modified by the board." and remove "also"

Page 3, line 8, remove "brand, marking, tag, collar, electronic implant, tattoo, or other"

Page 3, line 10, remove "**- Written results**"

Page 3, line 11, replace "At the time of the inspection, the" with:

"Enforcement orders - Administrative hearing - Penalty. The board may order any elk brought into this state in violation of rules adopted by the board to be returned to the state of origin or to be slaughtered. If the board finds that a person has brought elk into this state, kept elk, or received elk in violation of rules adopted by the

board, the board may assess that person a civil penalty in an amount up to two thousand five hundred dollars. Any person who knowingly violates this chapter or any rule of the board is guilty of a class A misdemeanor.

Tuberculosis - Brucellosis - Compensation of owner. If the board determines an elk to be infected with tuberculosis or brucellosis, its owner is entitled to payment as specified in this section. If an elk herd is adjudged by the board to be so seriously infected with tuberculosis or brucellosis as to warrant disposal of the entire herd, its owner is entitled to indemnity payments for the herd whether reactors, suspects, or exposed, in accordance with the limits set forth in this section. The board may adopt rules governing the payment of compensation under this section of not to exceed twenty-five dollars for each grade elk nor fifty dollars for each registered purebred elk.

SECTION 3. If House Bill No. 1276 becomes effective, a new chapter to title 36 of the North Dakota Century Code is created and enacted as follows:

Definitions. In this chapter, unless the context otherwise requires:

1. "Board" means the state board of animal health.
2. "Commissioner" means the commissioner of agriculture.
3. "Farmed elk" means mammals of the elk family (cervus elaphus), except red deer, confined in a manmade enclosure designed to prevent escape and:
 - a. Raised for fiber, meat, or animal byproducts; or
 - b. Raised for breeding, exhibition, or harvest.
4. "Owner" means a person who owns or is responsible for the raising of farmed elk.

Farmed elk - Rules - Data base. The board may adopt rules relating to the raising of farmed elk, including matters concerning the health, safety, confinement, and identification of farmed elk. Any rules relating to nontraditional livestock and adopted by the board before August 1, 1999, are, if applicable to farmed elk, deemed to apply to farmed elk until otherwise modified by the board. The board shall maintain a data base regarding farmed elk.

Farmed elk advisory committee. The commissioner may appoint a farmed elk advisory committee to provide advice to the commissioner regarding farmed elk.

Farmed elk development program. The commissioner may establish a farmed elk development program to support applied research and provide demonstrations, financing, marketing, promotion, breed development and registration, and other services related to the raising of farmed elk. The commissioner shall include information regarding farmed elk in reports on agriculture in this state.

Farmed elk - Confinement - Rules. Farmed elk must be confined in a manner designed to prevent escape. Unless otherwise required by rule, fencing for farmed elk must be at least eighty-four inches [213.36 centimeters] in height. If any farmed elk escape, their owner shall report the escape to the board within one business day of the discovery and shall notify the board upon recapture. The owner is liable for the expenses incurred by another person in capturing, caring for, and returning farmed elk that have escaped, provided the other person notifies the owner as soon as practicable after discovering the escape.

Farmed elk - Agricultural pursuit. Farmed elk are livestock, and the products of farmed elk are farm products for purposes of financial transactions and collateral. The raising of farmed elk is agricultural production and an agricultural pursuit.

Farmed elk - Sales of meat products. Unless otherwise provided, a person selling or buying farmed elk as livestock, for human consumption or for slaughter, must comply with this title and all applicable rules.

Farmed elk - Identification. The owner of farmed elk shall identify each animal by a means of identification approved by the board.

Farmed elk - Inspection. The commissioner and the board may inspect farmed elk and all records related to the farmed elk.

Enforcement orders - Administrative hearing - Penalty. The board may order any elk brought into this state in violation of rules adopted by the board to be returned to the state of origin or to be slaughtered. If the board finds that a person has brought elk into this state, kept elk, or received elk in violation of rules adopted by the board, the board may assess that person a civil penalty in an amount up to five thousand dollars. Any person who knowingly violates this chapter or any rule of the board is guilty of a class A misdemeanor."

Page 3, remove lines 12 through 15

Page 3, remove lines 20 through 26

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1338: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1338 was placed on the Sixth order on the calendar.

Page 1, line 1, after "4-09-10" insert "and subsection 3 of section 4-09-10.1"

Page 3, after line 11, insert:

"SECTION 2. AMENDMENT. Subsection 3 of section 4-09-10.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. Each bag must have the following information stamped on or otherwise attached to the bag:
 - a. For seeds of wheat, durum, barley, oats, rye, soybeans, edible beans, and flax, the commonly accepted name of the kind and variety of each agricultural seed component. Variety identification is not required if the state seed commission, by rule, provides for a variety registration system allowing specific kinds of crops to be labeled as brands or brand names, nor is variety identification required for seeds labeled "for vegetative cover only".
 - b. For seeds other than those listed in subdivision a, the commonly accepted name of the kind or the kind and variety of each agricultural seed component.
 - c. The lot number or other lot identification.
 - d. The name and address of the labeler or packager.
 - e. For seeds of all certified classes, an official certification tag properly attached to or printed on each bag."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1396: 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 1396 was placed on the Sixth order on the calendar.

Page 1, line 16, after "for" insert "each of the following services:"

Page 1, line 19, overstrike "sixty" and insert immediately thereafter "forty-five"

Page 1, line 21, overstrike "in subsection 25 of" and insert immediately thereafter "under"

Page 1, line 23, after the period insert "After fourteen consecutive days of inpatient treatment, an insurance provider may require an individualized treatment plan from the inpatient treatment service provider which indicates that the course of treatment is the most appropriate and least restrictive form of treatment available in the community."

Page 2, line 1, overstrike "or residential"

Page 2, line 2, overstrike "treatment" and remove the overstrike over "~~the benefits must be provided for a minimum of one hundred~~"

Page 2, line 3, remove the overstrike over "~~twenty~~" and remove "each inpatient day provided in subdivision b may be traded for two"

Page 2, line 4, remove "partial hospitalization days or for two and one-half residential treatment"

Page 2, line 6, overstrike "if" and insert immediately thereafter ". Partial hospitalization must be" and overstrike "in subsection 25 of" and insert immediately thereafter "under"

Page 2, line 9, overstrike ", or by a"

Page 2, line 10, overstrike "residential treatment program"

Page 2, line 13, remove the overstrike over "d."

Page 2, line 14, after "~~treatment~~" insert "In the case of benefits provided for residential treatment, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 21.6-36-08 in any calendar year. Residential treatment services must be provided by a hospital as defined under section 52-01-01 and rules of the state department of health; by a regional human service center licensed under section 50-06-05.2 offering treatment for the prevention or cure of mental disorder or other related illness; or by a residential treatment program. For services provided in a regional human service center, charges must be reasonably similar to the charges for care provided by a hospital as defined in this subsection", remove the overstrike over the period and insert immediately thereafter:

"e. Any individual receiving residential treatment services who requires residential treatment service beyond the minimum of one hundred twenty days may trade unused patient treatment benefits provided for under subdivision b.", and remove the overstrike over "~~For the purpose of computing the~~"

Page 2, remove the overstrike over line 15

Page 2, line 16, remove the overstrike over "~~equivalent to two days of treatment by~~", after "or" insert "a", and remove the overstrike over "~~residential~~"

Page 2, line 17, remove the overstrike over "~~treatment~~" and insert immediately thereafter "program", remove the overstrike over "~~; provided, however, that no~~", remove "No", and overstrike "~~forty-six~~" and insert immediately thereafter "twenty-three"

Page 2, line 19, overstrike "treatment by partial hospitalization or" and after the second "treatment" insert "services"

Page 2, line 20, replace "d" with "f"

Page 3, line 16, replace "e" with "g"

Page 3, line 20, replace "f" with "h"

Page 3, line 21, after "25-03.2-01" insert "; but only applies to individuals under twenty-one years of age"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1398: 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). HB 1398 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "construct a building"

Page 1, line 2, remove "or", after the semicolon insert "and", and replace "15-10-12" with "15-10-12.1"

Page 1, line 4, replace "; and to repeal section 15-10-12.1 of the North Dakota Century Code, relating to" with a period

Page 1, remove line 5

Page 1, line 7, replace "15-10-12" with "15-10-12.1"

Page 1, replace lines 9 through 24 with:

"15-10-12.1. Acceptance of buildings and campus improvements - ~~Approval of budget section~~ Legislative approval. The state board of higher education may not authorize the construction of buildings and campus improvements on land under the control of the board which are financed by donations, gifts, grants, and bequests without the consent of the legislative assembly. During the time the legislative assembly is not in session, except for the six months preceding the convening of a regular session, and unless otherwise restricted by previous legislative action or other law, the state board of higher education may, with the approval of the budget section of the legislative council, may authorize the use of land under the control of the board and construct buildings and campus improvements thereon which are financed by donations, gifts, grants, and bequests. The budget section approval must include a specific dollar limit for each building or campus improvement project. The budget section may establish guidelines regarding the types of gifts for minor improvements which do not require the approval of the budget section based upon the financial impact of such construction projects upon the state of North Dakota. The state board of higher education may, with the approval of the budget section, may authorize the sale of any real property or buildings which an institution of higher learning has received by gift or bequest. The budget section may prescribe such conditions for the sale of the property as it deems determines necessary, including, but not limited to, requiring an appraisal and the advertisement for bids. If the state board of higher education submits a request to the budget section for approval, the legislative council shall notify each member of the legislative assembly of the date of the budget section meeting at which the request will be considered and provide a copy of the meeting agenda to each member of the legislative assembly. The chairman of the budget section shall allow any member of the legislative assembly an opportunity to present testimony to the budget section regarding any such request."

Page 2, remove lines 1 through 14

Page 2, line 18, remove the overstrike over "No" and remove "Except as provided in section 3 of this Act, no"

Page 2, line 19, after "constructed" insert "under this chapter"

Page 2, line 26, after "improvement" insert "undertaken under this chapter"

Page 3, line 11, after "of" insert "expansion of"

Page 3, line 12, remove "A state agency or institution may not commence a building project without specific"

Page 3, remove lines 13 through 15

Page 3, line 16, remove "funds or any other funds."

Page 3, line 17, after "not" insert "significantly change or"

Page 3, line 19, after the second "the" insert "change or"

Page 3, line 20, after the underscored period insert "For the purposes of this section, a significant change or expansion includes the construction of an addition to a building, including skywalks or other type of enclosed walkway, or any other substantial increase in the area of the building, but does not include the construction of building entrances and stairwells."

Page 3, remove lines 21 and 22

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1412: Transportation Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1412 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "twenty-five" with "thirty-five"

Page 2, line 4, remove the overstrike over "transparent"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1413: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1413 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1419: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (15 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1419 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1428: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1428 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new"

Page 1, remove line 2

Page 1, line 3, remove "industrial hemp as a noxious weed;"

Page 1, line 6, replace "- **Cannabis sativa**" with "**(cannabis sativa L.)**" and replace "cannabis" with "(cannabis sativa L.)"

Page 1, line 7, remove "sativa" and replace "tetrahydracannibol" with "tetrahydrocannabinol"

Page 1, line 8, replace "Any" with "Upon meeting the requirements of section 2 of this Act, any"

Page 1, line 9, replace "cannabis sativa" with "(cannabis sativa L.)"

Page 1, line 10, replace "tetrahydracannibol" with "tetrahydrocannabinol"

Page 1, after line 10, insert:

"SECTION 2. Industrial hemp - Licensure - Reporting requirements.

1. Any person desiring to grow industrial hemp for commercial purposes shall apply to the commissioner of agriculture for a license on a form prescribed by the commissioner. The application for a license must include the name and address of the applicant and the legal description of the land area to be used for the production of industrial hemp. The commissioner shall require each applicant for initial licensure to file a set of the applicant's fingerprints, taken by a law enforcement officer, and any other information necessary to complete a statewide and nationwide criminal history check with the bureau of criminal investigation for state processing and with the federal bureau of investigation for federal processing. All costs associated with the background check are the responsibility of the applicant. Criminal history records provided to the commissioner under this section are confidential. The commissioner may use the records only in determining an applicant's eligibility for licensure. Any person with a prior criminal conviction is not eligible for licensure. If the applicant has completed the application process to the satisfaction of the commissioner, the commissioner shall issue the license, which is valid for a period of one year. Any person licensed under this section is presumed to be growing industrial hemp for commercial purposes.

2. Each licensee must file with the commissioner documentation indicating that the seeds planted were of a type and variety certified to have no more than three-tenths of one percent tetrahydrocannabinol and a copy of any contract to grow industrial hemp. Each licensee shall notify the commissioner of the sale or distribution of any industrial hemp grown by the licensee, and the names of the persons to whom the hemp was sold or distributed.
3. The commissioner shall adopt rules to allow the industrial hemp to be tested during growth for tetrahydrocannabinol levels and to allow for supervision of the industrial hemp during its growth and harvest."

Page 1, line 18, overstrike the first "1." and insert immediately thereafter "1." and overstrike the second "1." and insert immediately thereafter "1."

Page 1, line 19, overstrike "1." and insert immediately thereafter "(1.) scop."

Page 1, line 20, overstrike "1." and insert immediately thereafter "1." and overstrike "picris pall" and insert immediately thereafter "repens L."

Page 1, line 21, after "absinthim" insert "1.", remove the overstrike over "~~hemp (cannabis sativa)~~" and insert immediately thereafter "1.", remove the overstrike over ")" and insert immediately thereafter "having more than three-tenths of one percent tetrahydrocannabinol", remove the overstrike over the comma, and after "nutans" insert "1."

Page 1, line 22, overstrike "maculosalam" and insert immediately thereafter "maculosa lam.", overstrike "and", and overstrike "1." and insert immediately thereafter "(1.) desv.", and yellow starthistle (centaurea solstitialis L.)

Page 2, line 2, after "sepium" insert "1."

Page 2, line 3, after "fatua" insert "1." and overstrike "1." and insert immediately thereafter "(1.)"

Page 2, remove lines 4 through 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1439: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1439 was placed on the Sixth order on the calendar.

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

Page 2, after line 11, insert:

- "c. A person required to be certified in the right-of-way category.
- d. An applicator who holds a commercial pesticide certificate and is controlling noxious weeds on grassland, land producing tame hay, or other lands not devoted to the production of an annual crop.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1440: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1440 was placed on the Sixth order on the calendar.

Page 2, line 9, after "3" insert ", plus the tax determined under subsection 4, and minus the amount determined under subsection 5"

Page 3, line 1, remove ", plus the adjustments provided under subsection 4"

Page 3, line 4, replace "5" with "6"

Page 4, line 14, replace "6" with "7"

Page 4, after line 29, insert:

- "i. If an individual, estate, or trust is subject to the provisions of section 1(h) of the Internal Revenue Code of 1954, as amended, relating to computation of the federal income tax when federal taxable income includes a net long-term capital gain, the tax under this subsection may not exceed the lesser of the amount otherwise determined under this subsection or fourteen percent of the federal income tax determined under section 1(h) of the Internal Revenue Code of 1954, as amended.

- j. If an individual, estate, or trust is subject to the provisions of section 1301 of the Internal Revenue Code of 1954, as amended, relating to income averaging for farmers, the tax under this subsection may not exceed the lesser of the amount otherwise determined under this subsection or fourteen percent of the federal income tax determined under section 1301 of the Internal Revenue Code of 1954, as amended.

- k. If an individual is subject to the provisions of section 1(g) of the Internal Revenue Code of 1954, as amended, relating to computation of the federal income tax for a child under age fourteen who has investment income, the tax under this subsection may not exceed the lesser of the amount otherwise determined under this subsection or fourteen percent of the federal income tax determined under section 1(g) of the Internal Revenue Code of 1954, as amended."

Page 5, replace lines 18 through 25 with:

"The tax under this subsection is determined by multiplying the total of the additional federal taxes set forth in subdivision a by fourteen percent and then multiplying the result by the fraction determined under subsection 6.

- a. For purposes of this subsection, additional federal taxes are:
 - (1) Federal alternative minimum tax computed on federal form 6251;
 - (2) Federal tax on a lump sum distribution computed on federal form 4972;
 - (3) Federal tax on an accumulation distribution of a trust computed on federal form 4970;
 - (4) Federal tax on early distributions, excess contributions, excess accumulations, and excess distributions with respect to qualified retirement plans, individual retirement accounts, annuities, and modified endowment contracts computed on federal form 5329;
 - (5) Federal excess benefits tax under section 72(m)(5) of the Internal Revenue Code of 1954, as amended; and
 - (6) Federal tax computed on federal form 8814.

- b. For a nonresident individual, estate, or trust, the federal taxes under paragraphs 2 through 6 of subdivision a are included only to the extent the related income is allocated or apportioned to this state under this chapter."

Page 6, replace lines 15 through 28 with:

"The amount under this subsection is determined by multiplying the federal credit for prior year minimum tax computed on federal form 8801 by fourteen percent and then multiplying the result by the fraction determined under subsection 6.

6. For purposes of subsections 3 through 5, the fraction is equal to North Dakota adjusted gross income divided by federal adjusted gross income. For this purpose, "North Dakota adjusted gross income" means federal adjusted gross income reduced by:
- a. Interest income from obligations of the United States;
 - b. Income exempt from state income tax under federal statute, the Constitution of the United States, or the Constitution of North Dakota;
 - c. The portion of a distribution from a qualified investment fund as defined under subsection 4.2 of section 57-38-01 which is attributable to investments by the qualified investment fund in obligations of the United States, obligations of North Dakota or its political subdivisions, and any other obligation the interest from which is exempt from state income tax under federal statute, the Constitution of the United States, or the Constitution of North Dakota; and
 - d. For a nonresident individual, estate, or trust, the portion of federal adjusted gross income not allocable or apportionable to this state under this chapter."

Page 6, line 29, overstrike "6." and insert immediately thereafter "7."

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

Page 7, line 18, overstrike "8."

Page 7, line 30, remove the overstrike over "9."

Page 8, line 5, remove the overstrike over "~~10.~~" and remove "9."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1449: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1449 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1454: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1454 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 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.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 57-39.2-02.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. There is imposed a tax of ~~six cents per million British thermal units~~ seventy-five cents per ton of two thousand pounds [907.18 kilograms] on all sales at retail of coal, except for coal used for heating buildings in this state and coal used in agricultural processing or sugar beet refining plants located within this state or adjacent states.

SECTION 2. AMENDMENT. Subsection 9 of section 57-40.2-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

9. "Use" means the exercise by any person of any right or power over tangible personal property incident to the ownership or possession of that property, including the storage, use, or consumption of that property in this state, except that it does not include processing, or the sale of that property in the regular course of business. "Use" also means the severing of sand ~~or gravel~~, or coal from the soil of this state for use within or outside this state.

SECTION 3. AMENDMENT. Subsection 3 of section 57-40.2-02.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. An excise tax is imposed on the storage, use, or consumption in this state of coal at the rate of ~~six cents per million British thermal units~~ seventy-five cents per ton of two thousand pounds [907.18 kilograms], except for coal used for heating buildings in this state and coal used in agricultural processing or sugar beet refining plants located within this state or adjacent states.

SECTION 4. REPEAL. Section 57-61-01.8 of the 1997 Supplement to the North Dakota Century Code is repealed.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the legislative assembly that sections 57-39.2-02.1, 57-39.2-26.1, and 57-40.2-02.1 remain effective, except as amended by this Act.

SECTION 6. EFFECTIVE DATE. Section 4 of this Act is effective July 1, 2003.

SECTION 7. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1457: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1457 was placed on the Sixth order on the calendar.

Page 2, line 12, replace "does not apply" with "applies" and replace "involving" with "that requires an approval to operate from the state department of health."

Page 2, remove line 13

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1468: Transportation Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HB 1468 was placed on the Sixth order on the calendar.

Page 2, line 21, after "equipment" insert "or load"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1470: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1470 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1484: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (14 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1484 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1485: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1485 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1495: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1495 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3028: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HCR 3028 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3039: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3039 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3040: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3040 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3050: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3050 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2105: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (20 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2105 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4004: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4004 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 2001, SB 2005, SB 2010, SB 2011, SB 2014, SB 2017, SB 2025, SB 2202, SB 2241, SB 2270, SB 2279, SB 2303, SB 2319, SB 2381, SB 2388.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Jensen, Price, Wentz and Sen. Thane introduced:

HCR 3053: A concurrent resolution directing the Legislative Council to study the feasibility and impact of mental health and substance abuse parity in the state of North Dakota. Was read the first time and referred to the **Human Services Committee**.

Reps. Delmore, Hawken, Lemieux, R. Kelsch and Sens. Cook, O'Connell introduced:

HCR 3054: A concurrent resolution directing the Legislative Council to study accreditation standards for elementary and secondary schools, including optional accreditation standards, the fiscal impact of accreditation standards, and the waiver of accreditation standards based on student performance. Was read the first time and referred to the **Education Committee**.

Reps. Drovdal, Kempenich, Meyer introduced:

HCR 3055: A concurrent resolution directing the Legislative Council to study the extent of and remedies for damage caused to landowners from depredation by big game animals, waterfowl, and turkeys and damage caused to property by hunters. Was read the first time and referred to the **Natural Resources Committee**.

FIRST READING OF SENATE BILLS

SB 2001: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; and to amend and reenact section 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor. Was read the first time and referred to the **Appropriations Committee**.

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer. Was read the first time and referred to the **Appropriations Committee**.

SB 2010: A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; to amend and reenact sections 26.1-01-09 and 26.1-23-03 of the North Dakota Century Code, relating to the salary of the insurance commissioner and the unsatisfied judgment fund; and to provide for a legislative council study.

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

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the securities commissioner.

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

SB 2014: A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

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

SB 2017: A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general.

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

SB 2025: A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies.

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

SB 2202: A BILL for an Act to amend and reenact section 15-40.1-13 of the North Dakota Century Code, relating to distribution of mineral royalties to counties and school districts; to provide a continuing appropriation; and to provide an effective date.

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

SB 2241: A BILL for an Act to amend and reenact subsection 3 of section 28-22-03.1 of the North Dakota Century Code, relating to the absolute exemption of Roth individual retirement accounts in process, levy, and sale proceedings.

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

SB 2270: A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to country of origin labels.

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

SB 2279: A BILL for an Act to create and enact two new sections to chapter 39-10.1 of the North Dakota Century Code, relating to bicycle helmets and restraining seats; and to amend and reenact section 39-10.1-01 of the North Dakota Century Code, relating to bicycles; and to provide a penalty.

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

SB 2303: A BILL for an Act relating to the liability of financial institutions and credit unions for malfunctions or failures of computer or other electronic systems as the result of a year 2000 disruption; and to provide an expiration date.

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

SB 2319: A BILL for an Act to create and enact a new subsection to section 32-03.2-11 of the North Dakota Century Code, relating to exemplary damages for accidents involving motor vehicle operators under the influence of alcohol or a controlled substance.

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

SB 2381: A BILL for an Act to amend and reenact section 15-40.1-07.7 of the North Dakota Century Code, relating to per student payments for limited English proficient students; and to provide an appropriation.

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

SB 2388: A BILL for an Act to amend and reenact subsection 5 of section 14-15-11 of the North Dakota Century Code, relating to adoption investigations.

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

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

LANCE HAGEN, Chief Clerk