

## JOURNAL OF THE HOUSE

## Fifty-seventh Legislative Assembly

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Bismarck, February 13, 2001

The House convened at 1:00 p.m., with Speaker Bernstein presiding.

The prayer was offered by Pastor Bob Weiss, Baptist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

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

Page 457, replace lines 24 through 36 with:

"there were 45 YEAS, 53 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Carlisle; Carlson; Clark; Cleary; Delmore; Delzer; Disrud; Dosch; Eckre; Galvin; Glassheim; Grande; Grosz; Haas; Hanson; Kelsch, R.; Klein, M.; Klemin; Kliniske; Koppelman; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nottestad; Pollert; Porter; Price; Schmidt; Skarphol; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Wrangham; Speaker Bernstein

**NAYS:** Aarsvold; Bellew; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; DeKrey; Devlin; Drovda; Ekstrom; Fairfield; Froelich; Froseth; Grumbo; Guleson; Gunter; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Koppang; Lemieux; Lloyd; Mahoney; Maragos; Nelson; Nicholas; Niemeier; Onstad; Pietsch; Renner; Rennerfeldt; Ruby; Sandvig; Severson; Solberg; Thoreson, L.; Weisz; Wentz; Wikenheiser; Winrich"

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

## COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on February 12, 2001, I have signed the following: HB 1050.

## SIXTH ORDER OF BUSINESS

**REP. BELTER MOVED** that the amendments on the Sixth order of business to HB 1008 HB 1009, HB 1022, HB 1023, HB 1024, HB 1202, HB 1285, HB 1308, HB 1310, HB 1356, HB 1409, HB 1411, HB 1467, HB 1472, HCR 3020, HCR 3021, and HCR 3043 be adopted, which motion prevailed.

HB 1008 HB 1009, HB 1022, HB 1023, HB 1024, HB 1202, HB 1285, HB 1308, HB 1310, HB 1356, HB 1409, HB 1411, HB 1467, HB 1472, HCR 3020, HCR 3021, and HCR 3043, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. R. KELSCH MOVED** that HB 1182, which is on the Eleventh order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. R. Kelsch's motion, HB 1182 was rereferred.

## MOTION

**REP. WEISZ MOVED** that SB 2359 be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Weisz's motion, SB 2359 was rereferred.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR  
HCR 3036:** A concurrent resolution designating the state crime laboratory building as the "Aaron Rash Crime Lab".

The question being on the final adoption of the resolution, which has been read.

HCR 3036 passed on a voice vote, and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1041:** A BILL for an Act to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to credits allowed on the short-form income tax return; to amend and reenact subsection 4 of section 57-38.5-01 and sections 57-38.5-03 and 57-38.5-05 of the North Dakota Century Code, relating to the seed capital investment tax credit; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 94 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Gulleeson; Lemieux

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Maragos

HB 1041 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1291:** A BILL for an Act to amend and reenact subsection 4 of section 57-38.5-01 of the North Dakota Century Code, relating to definition of qualified business in which an investment may be made to qualify for the seed capital investment tax credit; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 95 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Gulleeson; Lemieux

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

HB 1291 lost.

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**MOTION**

**REP. BELTER MOVED** that HB 1023 and HB 1024 be placed at the top of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1024:** A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau; to amend and reenact section 3 of chapter 548 of the 1999 Session Laws, relating to the purchase of building and property by the workers compensation bureau; and to provide for retroactive application.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 76 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gunter; Haas; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lloyd; Mahoney; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Aarsvold; Cleary; Ekstrom; Fairfield; Froelich; Gulleason; Hanson; Hunsakor; Kerzman; Kroeber; Lemieux; Metcalf; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich

**ABSENT AND NOT VOTING:** Boucher

Engrossed HB 1024 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1023:** A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to provide for the sale of the land and building used by the state water commission as a maintenance shop and the purchase of new property for such use; to provide for a continuing appropriation; to provide a statement of legislative intent; to create and enact a new section to chapter 61-02.1 and a new subsection to section 61-02.1-04 of the North Dakota Century Code, relating to funding of water development projects and repayment of bonds; to amend and reenact sections 54-27-25 and 61-01-26.1 of the North Dakota Century Code and section 11 of chapter 535 of the 1999 Session Laws, relating to funds deposited in the water development trust fund, supplementing the water resources of eastern North Dakota, and to the expiration date for the issuance of bonds; to provide an exemption from payment of fees; and to provide a line of credit and an appropriation for repayment.

**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 70 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Byerly; Carlisle; Clark; Cleary; Delmore; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gunter; Haas; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lloyd; Mahoney; Maragos; Martinson; Meier; Nelson; Nicholas; Nottestad; Onstad; Pietsch; Pollert; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Wald; Weiler; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Boucher; Brusegaard; Carlson; DeKrey; Delzer; Devlin; Fairfield; Froelich; Grumbo; Gulleason; Hanson; Hunsakor; Kroeber; Lemieux; Metcalf; Monson; Mueller; Niemeier; Porter; Price; Sandvig; Schmidt; Solberg; Thorpe; Tieman; Warner; Weisz; Winrich

HB 1023 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1163:** A BILL for an Act providing an appropriation for expanding the workers' compensation safety grant 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 0 YEAS, 98 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

HB 1163 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1187:** A BILL for an Act providing an appropriation to defray the expenses of bringing contracted programs and services into the workers compensation bureau.

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

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

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

HB 1187 lost.

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**MOTION**

**REP. BELTER MOVED** that HB 1171 be placed at the top of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1171:** A BILL for an Act to amend and reenact section 61-01-26.1 of the North Dakota Century Code, relating to supplementing the water resources of eastern North Dakota.

**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; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.;

Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

HB 1171 lost.

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### SECOND READING OF HOUSE BILL

**HB 1450:** A BILL for an Act to create and enact a new subdivision to subsection 15 of section 52-01-01, a new subdivision to subsection 17 of section 51-01-01, and a new section to chapter 52-04 of the North Dakota Century Code, relating to definitions for unemployment compensation purposes and financing of benefits paid to employees of Indian tribes; to provide an effective date; and to declare an emergency.

### ROLL CALL

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

**YEAS:** Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Bellew; Ruby

Engrossed HB 1450 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3008:** A concurrent resolution to create and enact a new section to article I of the Constitution of North Dakota, relating to the right of privacy.

### ROLL CALL

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

**YEAS:** Jensen; Keiser; Klemin; Maragos; Timm; Wentz

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Wald; Warner; Weiler; Weisz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed HCR 3008 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1157:** A BILL for an Act to provide for a quality schools initiative for studying the provision of education in public schools for the purpose of maintaining and enhancing educational quality and to provide for the powers, duties, and funding of the quality schools initiative; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Nicholas

Engrossed HB 1157 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1246:** A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to the capitalization rate used for valuation of agricultural property for property tax purposes; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 45 YEAS, 52 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brusegaard; Cleary; DeKrey; Delmore; Devlin; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Grumbo; Gullerson; Hanson; Hawken; Herbel; Huether; Hunskor; Johnson, D.; Kelsh, S.; Kerzman; Kingsbury; Koppang; Kretschmar; Kroeber; Lemieux; Maragos; Metcalf; Monson; Mueller; Nelson; Niemeier; Onstad; Sandvig; Schmidt; Severson; Solberg; Thorpe; Tieman; Warner; Weisz; Wentz; Winrich

**NAYS:** Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Delzer; Disrud; Dosch; Drovdal; Galvin; Grande; Grosz; Gunter; Haas; Jensen; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Klein, F.; Klein, M.; Klemin; Kliniske; Koppelman; Lloyd; Mahoney; Martinson; Meier; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Wald; Weiler; Wikenheiser; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Nicholas

Engrossed HB 1246 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1293:** A BILL for an Act to create and enact six new sections to chapter 15-47 of the North Dakota Century Code or in the alternative to create and enact six new sections to chapter 15.1-21 of the North Dakota Century Code, relating to the testing of reading and mathematics.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Boehm; Brusegaard; Carlson; Delzer; Grande; Kasper; Koppelman; Lloyd; Nelson; Renner

**ABSENT AND NOT VOTING:** Nicholas

Engrossed HB 1293 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1330:** A BILL for an Act to create and enact a new section to chapter 35-30 and a new section to chapter 35-31 of the North Dakota Century Code, relating to notices for priority of agricultural processor's liens and agricultural supplier's liens; and to amend and reenact sections 35-30-01 and 35-31-01 of the North Dakota Century Code, relating to agricultural processor's liens and agricultural supplier's liens.

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

**YEAS:** Bellew; Brekke; Byerly; Carlisle; Carlson; Cleary; DeKrey; Delmore; Delzer; Disrud; Froseth; Galvin; Glassheim; Grande; Haas; Hawken; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein, F.; Klemin; Koppang; Kretschmar; Lemieux; Mahoney; Maragos; Martinson; Nicholas; Nottestad; Porter; Price; Renner; Rennerfeldt; Ruby; Skarphol; Svedjan; Wald; Weiler; Winrich; Wrangham

**NAYS:** Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brusegaard; Clark; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Grosz; Grumbo; Gullerson; Gunter; Hanson; Herbel; Huether; Hunskor; Johnson, D.; Kasper; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Kliniske; Koppelman; Kroeber; Lloyd; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Onstad; Pietsch; Pollert; Sandvig; Schmidt; Severson; Solberg; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weisz; Wentz; Wikenheiser; Speaker Bernstein

Engrossed HB 1330 lost.

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### MOTION

**REP. BELTER MOVED** that HB 1443 be placed at the top of the calendar, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1443:** A BILL for an Act to create and enact a new subsection to section 39-06.1-06 of the North Dakota Century Code, relating to speed limit fees; and to amend and reenact subsections 3 and 8 of section 39-06.1-06, paragraph 30 of subdivision a of subsection 3 of section 39-06.1-10, and subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to speed limits.

### 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 38 YEAS, 60 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Berg; Boehm; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Ekstrom; Grumbo; Gullerson; Hawken; Jensen; Johnson, N.; Kelsch, R.; Klein, M.; Klemin; Kliniske; Koppelman; Kretschmar; Lemieux; Mahoney; Meier; Nelson;

Nicholas; Porter; Price; Renner; Ruby; Severson; Wald; Weiler; Weisz; Wikenheiser; Speaker Bernstein

**NAYS:** Aarsvold; Bellew; Belter; Boucher; Brandenburg; Brekke; Byerly; Carlson; Cleary; Delzer; Eckre; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gunter; Haas; Hanson; Herbel; Huether; Hunskor; Johnson, D.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Koppang; Kroeber; Lloyd; Maragos; Martinson; Metcalf; Monson; Mueller; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Rennerfeldt; Sandvig; Schmidt; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Wentz; Winrich; Wrangham

HB 1443 lost.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2003, SB 2209.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2017, SB 2020, SB 2027, SB 2040, SB 2260, SB 2282, SB 2287, SB 2330.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1020.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1004, HB 1006, HB 1014, HB 1021, HB 1052, HB 1117, HB 1155, HB 1198, HB 1226, HB 1228, HB 1267, HB 1360, HB 1375, HB 1378, HB 1395, HB 1413.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1092, HB 1180.

**REPORT OF STANDING COMMITTEE**

**HB 1044: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1044 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "not public records subject to section 44-04-18 and section 5"

Page 1, line 12, remove "of article XI of the Constitution of North Dakota and are"

Page 1, line 13, after the first "court" insert ", with service of the application on the department of corrections and rehabilitation and opportunity for the department to submit a written response" and replace "shall" with "may"

Page 1, line 16, after the underscored period insert "If the court issues an order allowing inspection, the court shall allow the department of corrections and rehabilitation to remove all identifying information that may create a risk of harm to property or to any person."

Page 1, line 20, replace "court records not under seal" with "legal files"

Page 1, line 23, after the second underscored comma insert "and"

Page 2, line 1, replace ", and federal witness protection placements where the identity" with an underscored period

Page 2, remove line 2

Page 2, line 6, remove "are not public records"

Page 2, remove line 7

Page 2, line 8, remove "Dakota" and overstrike "must be kept" and insert immediately thereafter "are"

Page 2, line 16, after "confidentiality" insert ", except for the confidentiality requirements of federal drug and alcohol treatment and rehabilitation laws"

Page 2, line 18, after "inspect" insert "case history."

Page 3, line 6, remove "i. The" and overstrike "state's attorney and" and insert immediately thereafter:

"i. The"

Page 3, line 12, remove "k. Municipal" and overstrike ", county, state, or federal law enforcement agencies" and insert immediately thereafter:

"k. A criminal justice agency as defined in section 44-04-18.7"

Page 3, line 14, replace "For purposes of this section, records" with "Records" and after the third underscored comma insert "legal files except records under court seal."

Page 3, line 16, replace "not case history, medical" with "open records."

Page 3, remove line 17

Page 3, line 30, remove "g." and overstrike "The employment status of a person in the custody of or under the supervision and"

Page 3, overstrike line 31

Page 4, line 1, overstrike "to an agency or official charged with the enforcement of child support."

Page 4, line 6, after the overstruck period insert:

"8. Any person, organization, or agency receiving exempt or confidential records under this section shall maintain the closed or confidential nature of the records and may not redisclose the records.

9. The department of corrections and rehabilitation shall maintain the confidentiality of witness protection program records and legal files under seal."

Page 4, line 12, remove "on"

Page 4, line 13, remove "behalf of the parole board" and overstrike "are confidential and" and insert immediately thereafter "on behalf of the parole board"

Page 4, line 15, remove "subject to section 44-04-18 and section 5 of article XI of the"

Page 4, line 16, remove "Constitution of North Dakota"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1057: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1057 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1065: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1065 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1066, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1066 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact section 47-30.1-21.1 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to abandoned property payments; and to"

Page 1, remove lines 6 through 14

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1177: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1177 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1188: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1188 was placed on the Sixth order on the calendar.

Page 3, line 7, replace "The state shall" with "Except for family transportation, the state may"

Page 3, line 16, after "provide" insert "or pay the cost of"

Page 3, line 18, after "providing" insert "or paying the cost of"

Page 4, line 29, replace "A" with "Except for family transportation, a"

Page 5, line 8, after "provide" insert "or pay the cost of"

Page 5, line 10, after "providing" insert "or paying the cost of"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1203: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1203 was placed on the Sixth order on the calendar.

Page 5, line 8, after the period insert "The dealer may accept the manufacturer's or supplier's warranty labor reimbursement terms and conditions in lieu of the above."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1225: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1225 was placed on the Sixth order on the calendar.

Page 1, line 14, after the first "a" insert "properly trained"

Page 2, line 9, after the first "a" insert "properly trained"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1252: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (10 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1252 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1260: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1260 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1277: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1277 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "provide for" with "create and enact a new section to chapter 26.1-36.4 of the North Dakota Century Code, relating to"

Page 1, line 4, after the first period insert "A new section to chapter 26.1-36.4 of the North Dakota Century Code is created and enacted as follows:"

Page 1, line 6, after the period insert "This section does not apply to groups as defined under chapter 26.1-36.3."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1300: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1300 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "create and enact a new section to chapter 53-06.1" with "amend and reenact subdivision a of subsection 1 of section 53-06.1-03"

Page 1, line 2, replace "sponsoring of charity night events by eligible" with "charity events by public-spirited"

Page 1, replace lines 4 through 23 with:

**"SECTION 1. AMENDMENT.** Subdivision a of subsection 1 of section 53-06.1-03 of the North Dakota Century Code is amended and reenacted as follows:

- a. An organization recognized as a public-spirited organization by the governing body of a city or county may apply for a local permit to conduct only raffles, bingo, or sports pools, or a charity local permit to conduct only raffles, bingo, sports pools, paddlewheels, twenty-one, and poker. The organization or closely related organizations as a whole may only award a primary prize that does not exceed one thousand dollars and total prizes of all games that do not exceed six thousand dollars per year. The determination of what is a "public-spirited organization" is within the sole discretion of the governing body which should in its determination consider the definition of a public-spirited organization under subsection 18 of section 53-06.1-01 and eligible uses of net proceeds under subsection 2 of section 53-06.1-11.1. A governing body may issue a local permit for games to be held at designated times and places. An organization that is issued a charity local permit is restricted to one event per year and:
  - (1) May not pay remuneration to employees for personal services;
  - (2) Shall use chips as wagers;
  - (3) Shall redeem a player's chips for merchandise prizes or cash;
  - (4) Shall disburse gaming proceeds to eligible uses referenced by subsection 2 of section 53-06.1-11.1; and
  - (5) Shall file a report as prescribed by the attorney general with the governing body and attorney general."

Page 2, remove lines 1 through 13

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1322: 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 1322 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "methods of applying" and replace "brands" with "identification"

Page 1, replace lines 6 through 8 with:

"**Animal identification program - Administration.** The North Dakota stockmen's association shall serve as the state's administrator and allocator for any federally sponsored animal identification program."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1328: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1328 was placed on the Sixth order on the calendar.

Page 2, line 3, after the underscored period insert "The crop harmonization committee may study and, with the approval of the chairman of the legislative council, may take any action necessary to address international trade issues affecting agriculture in this state.

3. The crop harmonization committee, with the approval of the chairman of the legislative council, may contract with a consultant to conduct studies or provide research or information regarding crop protection product registration and labeling needs and international trade issues.

4."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1344: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1344 was placed on the Sixth order on the calendar.

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

Page 1, line 2, replace "four" with "three"

Page 1, line 13, replace "forty" with "forty-nine"

Page 1, line 16, replace "fifty" with "seventy-two"

Page 2, line 3, after the underscored period insert "a." and replace "is employed by the school district and is" with ":

- (1) Is"

Page 2, line 5, replace the underscored period with ":

- (2) Is employed by a school district on a full-time basis; and
- (3) Spends more than fifty percent of the individual's time providing classroom instruction.

- b. The term does not include administrators, assistant or associate administrators, principals, assistant or associate principals, special education directors, vocational education directors, directors of multidistrict special education units, directors of area vocational and technology centers, and athletic or activity directors, unless such individuals meet the requirements of subdivision a.

c."

Page 2, line 6, after "teachers" insert "or individuals employed in positions for which licensure by the education standards and practices board or approval by the education standards and practices board is not required"

Page 2, line 15, replace "the number of full-time equivalent teachers who received" with ":

- a. The number of full-time equivalent teachers employed by the district as of September fifteenth;

- b. The number of full-time equivalent teachers who will receive an increase in compensation over the amount paid during the previous school year; and
- c. The total amount of the increase in compensation."

Page 2, remove lines 16 through 18

Page 2, line 19, after the underscored period insert "For the 2001-02 school year, the reimbursement provided for in this section may not exceed one thousand seven hundred fifty dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2001. For the 2002-03 school year, the reimbursement provided for in this section may not exceed three thousand five hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2002.

4."

Page 2, remove lines 23 through 31

Page 3, remove lines 1 through 7

Page 3, line 13, replace "June" with "May" and remove "Prior to distributing the final payment in June, the"

Page 3, remove lines 14 through 16

Page 4, line 3, after the underscored period insert "a." and replace "is employed by the school district and is" with ":

(1) Is"

Page 4, line 5, replace the underscored period with ":

(2) Is employed by a school district on a full-time basis; and

(3) Spends more than fifty percent of the individual's time providing classroom instruction.

- b. The term does not include administrators, assistant or associate administrators, principals, assistant or associate principals, special education directors, vocational education directors, directors of multidistrict special education units, directors of area vocational and technology centers, and athletic or activity directors, unless such individuals meet the requirements of subdivision a.

c."

Page 4, line 6, after "teachers" insert "or individuals employed in positions for which licensure by the education standards and practices board or approval by the education standards and practices board is not required"

Page 4, line 15, replace "the number of full-time equivalent teachers who received" with ":

- a. The number of full-time equivalent teachers employed by the district as of September fifteenth;
- b. The number of full-time equivalent teachers who will receive an increase in compensation over the amount paid during the previous school year; and
- c. The total amount of the increase in compensation."

Page 4, remove lines 16 through 18

Page 4, line 19, after the underscored period insert "For the 2001-02 school year, the reimbursement provided for in this section may not exceed one thousand seven hundred fifty dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2001. For the 2002-03 school year, the

reimbursement provided for in this section may not exceed three thousand five hundred dollars multiplied by the number of full-time equivalent teachers employed by the district as of September 15, 2002.

4."

Page 4, remove lines 23 through 31

Page 5, remove lines 1 through 7

Page 5, line 13, replace "June" with "May" and remove "Prior to distributing the final payment in June, the"

Page 5, remove lines 14 through 16

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1363: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1363 was placed on the Sixth order on the calendar.

Page 1, line 3, after "12.1-17-01" insert "and subsection 1 of section 12.1-32-07"

Page 1, line 4, after "case" insert "and supervision of probation"

Page 1, line 17, after "14-07.1-01" insert "and the actor has a prior conviction for an offense of domestic violence as defined in subsection 2 of section 14-07.1-01. For purposes of this subdivision, a prior conviction includes a conviction of an offense under a law or ordinance of another state which is equivalent to this section"

Page 1, line 22, replace "for an" with "to complete"

Page 1, line 23, remove "assessment and counseling with", after "violence" insert "offender treatment", and remove "or other agency that"

Page 2, line 1, remove "provides professional services"

Page 2, after line 2, insert:

**"SECTION 3. AMENDMENT.** Subsection 1 of section 12.1-32-07 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. When the court imposes probation upon conviction for a felony, the court shall place the defendant under the supervision and management of the department of corrections and rehabilitation. In class A misdemeanor cases, except for a violation of subdivision b of subsection 2 of section 12.1-17-01, the court may place the defendant under the supervision and management of the department of corrections and rehabilitation or other responsible party. In all other cases, the court may place the defendant under the supervision and management of a community corrections program other than the department of corrections and rehabilitation. If an appropriate community corrections program is not reasonably available, the court may place the defendant under the supervision and management of the department of corrections and rehabilitation. The department of corrections and rehabilitation may arrange for the supervision and management of the defendant by a community corrections program selected by the department of corrections and rehabilitation. A community corrections program means a program for the supervision of a defendant, including monitoring and enforcement of terms and conditions of probation set by the court or pursuant to a conditional release from the physical custody of a correctional facility or the department of corrections and rehabilitation."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1367: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to

the **Appropriations Committee** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1367 was placed on the Sixth order on the calendar.

Page 3, line 15, remove "defendant must be sentenced to imprisonment for at least ten years if the"

Page 3, remove lines 16 through 18

Page 3, line 19, remove "designated an A or B felony in section 19-03.1-23, and the"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1372: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1372 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1379: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1379 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 create and enact a new subsection to section 44-08-20 of the North Dakota Century Code, relating to the authority of peace officers to use certain instruments or devices."

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

**SECTION 1.** A new subsection to section 44-08-20 of the North Dakota Century Code is created and enacted as follows:

To use any instrument or device to detect deception or to verify truth of statements which meets minimum instrumentation standards and which the peace officer has been licensed by the attorney general to operate."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1382: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO NOT PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1382 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1401: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1401 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "may" with "shall"

Page 1, line 10, remove "Not more than fifty percent of the earnings and funds an inmate receives"

Page 1, remove lines 11 through 15

Page 2, line 3, replace "sick call charges" with "a medical visit", replace "five" with "ten", and replace "sick call" with "medical visit made at the request of an inmate"

Page 2, line 9, after the period insert "A correctional facility may not assess an inmate for any costs associated with an intake health care assessment and related testing or for an examination of an inmate made at the request of the facility."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1462: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1462 was placed on the Sixth order on the calendar.

Page 1, line 7, after "physician" insert "physician assistant", overstrike "other medical", overstrike "health professional", and after the overstruck comma insert "any individual licensed under chapter 43-12.1"

Page 1, line 8, remove "provides", overstrike "care or", and overstrike "professional services" and insert immediately thereafter "diagnosis or treatment"

Page 1, line 9, overstrike "inflicted" and insert immediately thereafter ":

a. Inflicted"

Page 1, line 10, overstrike the third comma and insert immediately thereafter "shall as soon as practicable report the wound, injury, or trauma to a law enforcement agency in the county in which the care was rendered."

Page 1, line 11, after "he" insert:

"b. Which the individual" and remove the overstrike over "~~has reasonable cause to suspect was inflicted in violation of any~~"

Page 1, line 12, remove the overstrike over "~~criminal law of this state~~" and remove "suffering serious bodily injury as defined in section"

Page 1, line 13, remove "12.1-01-04"

Page 1, line 14, overstrike "the sheriff or state's attorney of" and insert immediately thereafter "a law enforcement agency in" and after the period insert:

"2."

Page 1, line 15, after "report" insert "under subsection 1", remove "individual", overstrike ", if known,", and remove "the"

Page 1, line 16, remove "individual's" and overstrike "whereabouts," and insert immediately thereafter "individual"

Page 1, line 17, after the period insert "Unless the injured person is being treated for injuries inflicted by means of a knife, gun, or pistol or for serious bodily injury as defined by section 12.1-01-04, a physician, physician assistant, or an individual licensed under chapter 43-12.1 is not required to report under this subsection if the injured person is eighteen years of age or older, the injured person is a victim of domestic violence as defined in section 14-07.1-01, and the physician, physician assistant, or any individual licensed under chapter 43-12.1 determines that not reporting the injury is in the best interests of the injured person after considering the person's safety and autonomy."

Page 1, line 18, overstrike "2." and insert immediately thereafter "3." and after the second underscored comma insert "or a report of physical injury resulting from a sexual offense as defined in chapter 12.1-20"

Page 1, line 19, replace "sheriff or state's attorney" with "law enforcement agency"

Page 1, line 20, replace "a referral to" with "with information regarding"

Page 1, line 21, after "program" insert "by the physician, physician assistant, or any individual licensed under chapter 43-12.1, unless it is known that the information has previously been provided to the injured individual"

Page 1, line 22, replace "3" with "4"

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

Page 2, line 5, replace "5" with "6" and after "making" insert "or not making"

Page 2, line 6, replace "the" with "or not making a"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1471: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1471 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3024: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3024 was placed on the Sixth order on the calendar.

Page 1, line 19, after the first "the" insert "most recent"

Page 1, line 20, replace "has never exceeded 11 percent" with "is one-third of the 40 percent target level set by Congress"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3030: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3030 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "rural"

Page 1, line 2, replace "and" with a comma

Page 1, line 3, replace "between eastern and western" with "within" and after "Dakota" insert "and within the nation, and to delay implementation of the proposed Medicare ambulance reimbursement fee schedule"

Page 1, after line 8, insert:

**"WHEREAS**, home health care is an integral service in North Dakota which allows individuals to be expediently discharged from acute care facilities, thereby allowing individuals to be cared for at home and to avoid nursing homes; and

**WHEREAS**, Congress is proposing implementation of a Medicare ambulance reimbursement fee schedule that will negatively affect ambulance services across the state; and"

Page 1, line 14, remove "rural" and replace "and" with a comma

Page 1, line 15, replace "between eastern and western" with "within"

Page 1, line 16, after "Dakota" insert "and within the nation, and to delay implementation of the proposed Medicare ambulance reimbursement fee schedule"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3047: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3047 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2035: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2035 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2138, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2138 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2140, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2140 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2174: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2174 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "require" with "provide for"

Page 1, line 4, remove "**REQUIRED**" and replace "study" with "consider studying"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2199: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2199 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2249: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2249 was placed on the Fourteenth order on the calendar.

**FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Reps. Sandvig, Disrud, Wentz and Sens. Christenson, D. Mathern, Watne introduced:

**HCR 3048:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of creating a State Department of Health Division of Women's Health and an Advisory Committee on Women's Health.

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

**FIRST READING OF SENATE BILLS**

**SB 2115:** A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the practice of a regulated occupation or profession.

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

**SB 2251:** A BILL for an Act to create and enact two new sections to chapter 54-59 of the North Dakota Century Code, relating to the establishment, powers, and duties of an educational technology council; to amend and reenact sections 15-19-02 and 15-19-06, subsection 1 of section 15.1-02-07, subdivision h of subsection 2 of section 28-32-01, and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the administration of the division of independent study and the appointment of members of the educational telecommunications council; to repeal chapter 15.1-05 of the North Dakota Century Code, relating to the educational telecommunications council; to provide for a transfer of funds; and to provide for reports to the legislative council.

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

**SB 2302:** A BILL for an Act to amend and reenact section 26.1-26.4-02, subsection 1 of section 26.1-26.4-04, subdivision c of subsection 4 of section 26.1-26.4-04, and subsection 10 of section 26.1-26.4-04 of the North Dakota Century Code, relating to retroactive reviews as part of utilization review.

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

**SB 2307:** A BILL for an Act to provide for a developmental disability services provider reimbursement pilot program in the southeast human service center region; and to provide an expiration date.

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

**SB 2326:** A BILL for an Act to amend and reenact section 26.1-08-13 of the North Dakota Century Code, relating to termination of comprehensive health association health coverage.

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

**SB 2328:** A BILL for an Act to create and enact a new subsection to section 57-15-20.2, a new subsection to section 58-03-07, and a new chapter to title 58 of the North Dakota Century Code, relating to creation of special assessment districts by townships.

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

**SB 2340:** A BILL for an Act to limit the liability resulting from the manufacture, distribution, and sale of firearms.

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

**SB 2341:** A BILL for an Act to amend and reenact sections 23-06.4-03, 23-06.5-05, and 23-06.5-16 and subsection 9 of section 23-06.5-17 of the North Dakota Century Code, relating to the form and execution of advance health care directives.

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

**SB 2366:** A BILL for an Act to amend and reenact section 15-38.1-04 of the North Dakota Century Code or in the alternative to amend and reenact sections 15.1-16-03 and 15.1-16-04 of the North Dakota Century Code, relating to compensation for factfinders and members of the education factfinding commission.

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

**SB 2370:** A BILL for an Act to provide for authorization of currency exchange businesses; and to provide a penalty.

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

**SB 2381:** A BILL for an Act to amend and reenact section 53-06.2-10.1 of the North Dakota Century Code, relating to simulcast wagering.

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

**SB 2396:** A BILL for an Act to repeal sections 27-13-05, 27-13-06, and 27-13-07 of the North Dakota Century Code, relating to an attorney's refusal to deliver a client's money or property and the furnishing of a bond.

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

**SB 2412:** A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code or in the alternative to create and enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to lifetime licensure for teachers.

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

**SB 2440:** A BILL for an Act to amend and reenact section 34-06.1-07 of the North Dakota Century Code, relating to required employer records.

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

**SB 2443:** A BILL for an Act to amend and reenact sections 23-06-03 and 43-10.1-02 of the North Dakota Century Code, relating to pre-need funeral service contracts.

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

#### **FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4017:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a retirement program for all law enforcement officers within the state of North Dakota which provides retirement benefits similar to those provided to the members of the Highway Patrolmen's retirement system pursuant to North Dakota Century Code Chapter 39-03.1.

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

**SCR 4021:** A concurrent resolution directing the Legislative Council to study individual income tax laws with the objective of determining appropriate measures to enhance the attractiveness of living in North Dakota for young working people.

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

#### **MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Wednesday, February 14, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**

