

## JOURNAL OF THE HOUSE

## Fifty-seventh Legislative Assembly

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Bismarck, March 20, 2001

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

The prayer was offered by Father Phillip Brown, St. Wenceslaus Church, Dickinson.

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

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**REP. BELTER MOVED** that the amendments on the Sixth order of business to SB 2124 SB 2273, SB 2309, SB 2314, SB 2337, and SB 2358 be adopted, which motion prevailed.

SB 2124 and SB 2337, as amended, were rereferred to the **Appropriations Committee**.

SB 2273 SB 2309, SB 2314, and SB 2358, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. RENNERFELDT MOVED** that SB 2345, which is on the Sixth order, be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Rep. Rennerfeldt's motion, SB 2345 was rereferred.

## MOTION

**REP. FROSETH MOVED** that the House reconsider its action whereby SB 2315 passed, which motion prevailed on a verification vote.

## MOTION

**REP. BELTER MOVED** that SB 2278 and SB 2373 be laid over one legislative day, which motion prevailed.

## MOTION

**REP. BELTER MOVED** that SB 2114, which is on the Fourteenth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Belter's motion, SB 2114 was rereferred.

## SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

**SCR 4024:** A concurrent resolution urging Congress to eliminate the Social Security disability insurance offset and supplemental security insurance offset for recipients of workers' compensation benefits.

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

SCR 4024 passed on a voice vote, and the title was agreed to.

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## MOTION

**REP. FROSETH MOVED** that SB 2315 be rereferred to the **Political Subdivisions Committee**, which motion prevailed. Pursuant to Rep. Froseth's motion, SB 2315 was rereferred.

## CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. R. KELSCH MOVED** that the House do not concur in the Senate amendments to HB 1182 as printed on HJ page 925 and that a conference committee be appointed to meet with a like committee from the Senate.

## APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1182: Reps. Brusegaard, Mueller, Nelson.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to Engrossed HB 1331 as printed on HJ page 960, which motion prevailed on a voice vote.

Engrossed HB 1331, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1331:** A BILL for an Act to amend and reenact section 16.1-01-09 of the North Dakota Century Code, relating to initiative and referendum petitions.

**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; 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; 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

Engrossed HB 1331 passed and the title was agreed to.

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**MOTION**

**REP. BELTER MOVED** that SB 2373 be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Belter's motion, SB 2373 was rereferred.

**SECOND READING OF HOUSE BILL**

**SB 2027:** A BILL for an Act relating to a pilot project involving county treasurers administering motor vehicle registration programs; to provide for a legislative council study; 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 66 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grumbo; Gullerson; Gunter; Haas; Hanson; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kelsh, S.; Kempenich; Kerzman; Klein, F.; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nicholas; Niemeier; Onstad; Pollert; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Thoreson, L.; Thorpe; Tieman; Weisz; Wentz; Wikenheiser; Winrich

**NAYS:** Bellew; Boehm; Byerly; Carlson; Clark; Delzer; Grande; Grosz; Hawken; Herbel; Kasper; Keiser; Kelsch, R.; Kingsbury; Klein, M.; Klemin; Lloyd; Nelson; Nottestad; Pietsch; Porter; Price; Renner; Ruby; Svedjan; Thoreson, B.; Timm; Wald; Warner; Weiler; Wrangham; Speaker Bernstein

Engrossed SB 2027 passed and the title was agreed to.

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**MOTION**

**REP. BELTER MOVED** that SB 2190 be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2190:** A BILL for an Act to amend and reenact subsections 2 and 4 of section 6-08-16 and subsections 4 and 6 of section 6-08-16.2 of the North Dakota Century Code, relating to issuing a check or draft without sufficient funds or account and notice of dishonor.

**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 71 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemmin; Kliniske; Koppang; Koppelman; Kretschmar; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Nottestad; Pietsch; Porter; Price; Rennerfeldt; Ruby; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Aarsvold; Boehm; Boucher; Byerly; Delzer; Ekstrom; Fairfield; Froelich; Glassheim; Grosz; Gulleson; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lloyd; Mahoney; Niemeier; Onstad; Pollert; Renner; Sandvig; Schmidt; Skarphol; Solberg; Thorpe; Winrich

SB 2190 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2162:** A BILL for an Act to amend and reenact sections 43-42-01, 43-42-02, 43-42-03, 43-42-04, 43-42-05, 43-42-06, and 43-42-07 and subsection 1 of section 43-46-01 of the North Dakota Century Code, relating to the practice of respiratory care; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brekke; Brusegaard; Cleary; Delmore; Devlin; Disrud; Dosch; Ekstrom; Fairfield; Froseth; Glassheim; Grumbo; Gulleson; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Keiser; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klemmin; Koppang; Kroeber; Mahoney; Maragos; Martinson; Metcalf; Mueller; Nicholas; Niemeier; Nottestad; Onstad; Price; Sandvig; Schmidt; Solberg; Thoreson, L.; Thorpe; Tieman; Warner; Wentz; Winrich

**NAYS:** Bellew; Belter; Berg; Boehm; Brandenburg; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Drovdal; Eckre; Froelich; Galvin; Grande; Grosz; Gunter; Haas; Johnson, N.; Kasper; Kelsch, R.; Kempenich; Klein, M.; Kliniske; Koppelman; Kretschmar; Lemieux; Lloyd; Meier; Monson; Nelson; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Ruby; Skarphol; Svedjan; Thoreson, B.; Timm; Wald; Weiler; Weisz; Wikenheiser; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Severson

Engrossed SB 2162 lost.

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**SECOND READING OF SENATE BILL**

**SB 2195:** A BILL for an Act to provide legislative intent relating to the appropriation for the tourism division of the department of commerce and funding for a grant to the North Dakota cowboy hall of fame.

**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; 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; Ruby; Sandvig; Schmidt; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Severson

Engrossed SB 2195 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2201:** A BILL for an Act to provide for the removal of a future interest and a covenant from deeds transferring land from this state to the Devils Lake public school district No. 1.

### ROLL CALL

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

**YEAS:** Aarsvold; 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; 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; Ruby; Sandvig; Schmidt; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Delzer; Severson; Wald

Engrossed SB 2201 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2245:** A BILL for an Act to amend and reenact section 40-38-11 of the North Dakota Century Code, relating to joint public library services.

### 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 21 YEAS, 75 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; Byerly; Clark; DeKrey; Delmore; Dosch; Glassheim; Grosz; Grumbo; Haas; Hawken; Keiser; Kelsch, R.; Kelsh, S.; Klemin; Kliniske; Meier; Porter; Solberg; Timm; Weisz

**NAYS:** Aarsvold; Bellew; Belter; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Cleary; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Grande; Gulleson; Gunter; Hanson; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Wald; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

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

Engrossed SB 2245 lost.

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**SECOND READING OF SENATE BILL**

**SB 2289:** A BILL for an Act to create and enact a new subsection to section 39-01-15 of the North Dakota Century Code, relating to parking spaces for mobility-impaired individuals; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Carlson; DeKrey; Froelich; Grosz; Kasper; Keiser; Klein, M.; Lloyd; Skarphol; Wald

**ABSENT AND NOT VOTING:** Severson; Thoreson, L.

Engrossed SB 2289 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2291:** A BILL for an Act to provide for a legislative council study of the transfer of credits among institutions of higher education.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glasheim; Grande; Grumbo; Gulleon; 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; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Boehm; Byerly; Carlson; Clark; Delzer; Grosz; Skarphol; Timm; Winrich

**ABSENT AND NOT VOTING:** Severson; Thoreson, L.

Engrossed SB 2291 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2091:** A BILL for an Act to amend and reenact subsection 2 of section 51-19-04 and subdivisions f and g of subsection 2 of section 51-19-13 of the North Dakota Century Code, relating to franchise registration exemptions and the powers of the securities commissioner regarding the issuance of orders.

**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; 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; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Severson

SB 2091 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2143:** A BILL for an Act to create and enact section 26.1-37-04.1 of the North Dakota Century Code, relating to credit insurance; to amend and reenact sections 26.1-37-01, 26.1-37-02, 26.1-37-03, 26.1-37-05, 26.1-37-06, 26.1-37-07, 26.1-37-08, 26.1-37-09, 26.1-37-13, and 26.1-37-14 of the North Dakota Century Code, relating to credit insurance; and to repeal sections 26.1-37-04, 26.1-37-10, 26.1-37-11, and 26.1-37-12 of the North Dakota Century Code, relating to credit insurance.

#### 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; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; 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; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Carlson; Skarphol

**ABSENT AND NOT VOTING:** Severson

SB 2143 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2180:** A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to retired teachers returning to teaching under the teachers' fund for retirement; to amend and reenact subsection 1 of section 15-39.1-09 and section 15-39.1-19.1 of the North Dakota Century Code, relating to assessments and resumption of teaching under the teachers' fund for retirement; and to provide an expiration date.

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

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; 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; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Brandenburg

**ABSENT AND NOT VOTING:** Severson

SB 2180 passed and the title was agreed to.

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#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4040:** A concurrent resolution directing the Legislative Council to study the problems associated with credit card companies marketing credit cards to college students.

#### **ROLL CALL**

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 82 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Brekke; Cleary; Fairfield; Glassheim; Jensen; Kelsh, S.; Klein, F.; Kliniske; Kroeber; Maragos; Renner; Thorpe; Warner; Wentz; Winrich

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

**ABSENT AND NOT VOTING:** Severson

SCR 4040 lost.

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#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4041:** A concurrent resolution directing the Legislative Council to study the financial impact of credit card fees imposed on public institutions of higher education and the social effects of credit card debt on young adults.

#### **ROLL CALL**

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 80 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** DeKrey; Delmore; Disrud; Ekstrom; Fairfield; Glassheim; Jensen; Johnson, D.; Kelsh, S.; Klein, F.; Kliniske; Maragos; Nelson; Thorpe; Warner; Wentz; Winrich

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

**ABSENT AND NOT VOTING:** Severson

SCR 4041 lost.

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**MOTION**

**REP. BELTER MOVED** that SB 2273, SB 2309, SB 2314, and SB 2358 be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2273:** A BILL for an Act to create and enact thirteen new sections to chapter 39-22 of the North Dakota Century Code, relating to the licensing of motor vehicle dealers; to amend and reenact sections 39-05-17, 39-22-04, 39-22-05.1, 39-22-06, and 39-22-11 of the North Dakota Century Code, relating to vehicle title transfer requirements and motor vehicle dealer licensing; to repeal sections 39-22-02, 39-22-07, and 39-22-08 of the North Dakota Century Code, relating to motor vehicle dealer licensing; to provide a penalty; 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 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; 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; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Severson

Engrossed SB 2273 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2309:** A BILL for an Act to amend and reenact section 8-02-08 of the North Dakota Century Code, relating to safety standards for passenger contract carriers; and to provide a penalty.

**ROLL CALL**

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

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; 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.; 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; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Byerly; Delzer; Kasper; Wald; Weiler

**ABSENT AND NOT VOTING:** Severson

Engrossed SB 2309 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2314:** A BILL for an Act to amend and reenact section 23-06-03.1 of the North Dakota Century Code, or in the alternative to amend and reenact section 43-10.1-03.1 of the North Dakota Century Code as created by section 3 of House Bill No. 1126, as approved by the fifty-seventh legislative assembly, relating to pre-need funeral contracts.

**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 72 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Boehm; Boucher; Carlson; Delzer; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Haas; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lloyd; Niemeier; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich; Wrangham

**ABSENT AND NOT VOTING:** Severson

Engrossed SB 2314 passed and the title was agreed to.

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**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: HB 1028, HB 1108, HB 1153, HB 1159, HB 1161, HB 1221, HB 1222, HB 1223, HB 1238, HB 1260, HB 1297, HB 1367, HB 1415.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled resolutions: SCR 4018, SCR 4019.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled resolutions: HCR 3012, HCR 3020, HCR 3021, HCR 3022, HCR 3029, HCR 3031, HCR 3055, HCR 3057, HCR 3059, HCR 3060, HCR 3062, HCR 3064.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SCR 4018, SCR 4019.

**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 1028, HB 1108, HB 1153, HB 1159, HB 1161, HB 1221, HB 1222, HB 1223, HB 1238, HB 1260, HB 1297, HB 1367, HB 1415.

**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: HCR 3012, HCR 3020, HCR 3021, HCR 3022, HCR 3029, HCR 3031, HCR 3055, HCR 3057, HCR 3059, HCR 3060, HCR 3062, HCR 3064.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1102, HB 1106, HB 1125, HB 1283, HB 1457, HCR 3030, HCR 3037.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1102**

Page 2, line 1, replace "first of each year" with "1, 2001. An individual who on June 30, 2002, is receiving monthly benefits from the fund on an account paid under this chapter or under former chapter 15-39 is entitled to receive a seventy-five hundredths of one percent increase of the individual's current monthly benefit with the increased benefit payable each month thereafter beginning on July 1, 2002"

Page 2, line 7, replace "adjustments" with "adjustment"

Page 2, line 9, after the underscored semicolon insert "or"

Page 2, line 11, replace "; or" with an underscored period

Page 2, remove line 12

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1106**

Page 2, line 3, replace "a verifiable" with "an"

Page 2, line 8, remove "federal government or of a"

Page 10, line 12, replace "indorsement" with "endorsement"

Page 10, line 24, after "shall" insert "provide guidelines to"

Page 10, line 30, after "shall" insert "provide guidelines to"

Page 11, line 1, replace "and otherwise create, generate," with a period

Page 11, remove lines 2 and 3

Page 11, line 7, remove "and format" and remove "created,"

Page 11, line 8, remove "generated,"

Page 11, line 24, replace "may" with "shall"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1125**

Page 1, line 1, remove "for an Act to create and enact a new section to chapter 54-44.4 of the North"

Page 1, remove line 2

Page 1, line 3, remove "for the acquisition of services; and"

Page 1, line 6, after "registration" insert "; and to provide for legislative intent"

Page 1, line 17, remove "and reported to the office of management and budget"

Page 1, remove lines 18 through 24

Page 2, remove lines 1 through 11

Page 4, after line 17, insert:

**"SECTION 4. LEGISLATIVE INTENT.** It is the intent of the fifty-seventh legislative assembly that the office of management and budget in consultation with the attorney general develop standards and guidelines for the procurement of contracts for services and if appropriate, submit proposed legislation to the fifty-eighth legislative assembly regarding those standards and guidelines. State agencies are encouraged to follow the standards and guidelines as set forth by the office of management and budget and develop agency guidelines for procurement of contracts for service."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1283**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a technology occupations student loan program."

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

**SECTION 1. Technology occupations student loan program.**

1. The state board of higher education shall administer a technology occupations student loan program that encourages college students to pursue technology-based studies, to participate in technology internship programs, and to remain in the state after graduation. The board shall adopt rules to implement the program, including internship requirements, guidelines to determine which technology-related courses of study are eligible under the program, and standards for eligibility.
2. Students of board-approved colleges may apply for the technology occupations student loan program. To be eligible to receive student loan grants under the program, the applicant:
  - a. Must have graduated from a board-approved college;
  - b. Must have successfully completed the board-approved technology-related courses;
  - c. Must have maintained at least a 3.0 grade point average, based on a 4.0 grading system, at a board-approved college;
  - d. Must have actively participated in a board-approved technology internship with a business in the state;
  - e. Must have a student loan with the Bank of North Dakota;
  - f. Following graduation must be employed in the state in a board-approved technology occupation; and
  - g. Must have met and shall continue to meet any requirements established by rule.
3. The state board of higher education shall distribute student loan grants directly to the Bank of North Dakota to repay outstanding student loan principal balances for eligible applicants. The maximum student loan grant amount for which an applicant may qualify is one thousand dollars per twelve months of employment for a maximum of five years.

**SECTION 2. TECHNOLOGY OCCUPATIONS STUDENT LOAN PROGRAM FUNDING.** The funds appropriated in the student grant programs line item included in subdivision 1 of section 1 of Senate Bill No. 2003 of the fifty-seventh legislative assembly, include \$400,000 from the general fund for providing grants as authorized in section 1 of this Act, for the biennium beginning July 1, 2001, and ending June 30, 2003."

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1457**

Page 1, line 18, overstrike "a certificate" and insert immediately thereafter "documentation"

Page 1, line 19, remove ". If", overstrike "that is the case", remove the overstrike over "~~The~~", remove "the", and after "tenant" insert "then"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE CONCURRENT**

Page 1, line 9, after "disparity" insert "of reimbursement"

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3037**

Page 1, line 2, after "cultural" insert "or paleontological"

Page 1, line 4, after "cultural" insert "or paleontological"

Page 1, line 8, after "cultural" insert "or paleontological"

Page 1, line 10, after "cultural" insert "or paleontological"

Page 1, line 15, after "cultural" insert "or paleontological"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1448.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HCR 3063.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass: SB 2040, SB 2268, SB 2376.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2116, SB 2299, SCR 4020.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause failed, unchanged: SB 2175.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SB 2074, SB 2169, SB 2176, SB 2235, SB 2288, SB 2375, SB 2393, SCR 4043, SCR 4046.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1028, HB 1238, HB 1297, and HB 1367.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1133, HB 1352, and HB 1353.

#### REPORT OF STANDING COMMITTEE

**SB 2053: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2053 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2058: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2058 was placed on the Sixth order on the calendar.

Page 1, line 24, remove ", together with affidavits of mailing."

Page 2, line 2, after "~~the~~" insert ". The" and remove the overstrike over "~~third notice must be sent~~"

Page 2, line 3, after "~~address~~" insert "with a copy of an affidavit of mailing"

Page 3, line 20, remove ", together with affidavits of mailing"

Page 3, line 22, after the first "~~the~~" insert ". The" and remove the overstrike over "~~third notice must be sent~~"

Page 3, line 23, after "~~address~~" insert "with a copy of an affidavit of mailing"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2095, as engrossed and amended: 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). Engrossed SB 2095, as amended, was placed on the Sixth order on the calendar.

Page 1, line 8, remove "lower of the previous one year or the"

Page 1, line 9, after "income" insert "or loss" and remove "or the lower"

Page 1, line 10, remove "of the previous one year or three years of adjusted gross income,"

Page 1, line 11, after "return" insert "for each of the three years"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2135: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2135 was placed on the Sixth order on the calendar.

Page 2, line 11, after the period insert "If the offender has not paid the full amount of supervision fees and costs before completion or termination of probation, the court may issue an order, after opportunity for hearing, to determine the amount of supervision fees and costs that are unpaid. The order may be filed, transcribed, and enforced by the department of corrections and rehabilitation in the same manner as civil judgments rendered by a district court of this state."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2167, as engrossed and amended: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2167, as amended, was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 4-35-05, 4-35-06, 4-35-08, 4-35-09, 4-35-13, 4-35-15, and 4-35-19 and subsection 4 of section 4-35.1-01 of the North Dakota Century Code, relating to pesticide applicators.

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

**SECTION 1. AMENDMENT.** Section 4-35-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

##### **4-35-05. Definitions.** As used in this chapter:

1. "Animal" means all vertebrate and invertebrate species, including, ~~but not limited to, man~~ humans and other mammals, birds, fish, and shellfish.
2. "Antidote" means a practical treatment in case of poisoning and includes first aid treatment.
- ~~2.1.~~ 3. "Applicator" means any person who applies a pesticide to land.
- ~~3.~~ 4. "Beneficial insects" means those insects ~~which that~~, during their life cycle, are effective pollinators of plants, are parasites, or predators of pests.
- ~~4.a.~~ 5. "Certified applicator" means any individual who is certified under this chapter as authorized to use any ~~restricted use~~ pesticide covered by the applicator's certification.
  - ~~b.~~ "Private applicator" means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by the applicator or the applicator's employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.
  - ~~e.~~
  6. "Commercial applicator" means a certified applicator, ~~whether or not the applicator is a private applicator with respect to some uses,~~ who uses any pesticide ~~which is classified for restricted use,~~ for any purpose or on any property, other than as provided for by ~~subdivision b~~ a private applicator.

7. 7. "Custom applicator means a certified applicator who uses any pesticide, for any purpose, or on any property, other than as provided for by a private applicator.
5. 8. "Dealer" means any person who sells a pesticide to an end user.
6. 9. "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant, with or without causing abscission.
7. 10. "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissue.
8. 11. "Device" means any instrument or contrivance, other than a firearm, which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than ~~man~~ human and other than bacteria, virus, or other micro-organism on or in living ~~man~~ humans or other living animals, but not including equipment used for the application of pesticides when sold separately therefrom.
9. 12. "Distribute" means to offer for sale, hold for sale, sell, barter, or supply pesticides in this state.
40. 13. "Environment" includes water, air, land, and all plants and ~~man~~ humans and other animals living therein, and the interrelationships which exist among these.
44. 14. "Equipment" means any type of ground, water, or aerial equipment or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such land, ~~but shall~~. The term does not include any pressurized hand-sized household apparatus used to apply any pesticide, or any equipment or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application.
42. 15. "Fungus" means any non-chlorophyll-bearing thallophytes, i.e., any non-chlorophyll-bearing plant of a lower order than mosses and liverworts as, for example, rust, smut, mildew, mold, yeast, and bacteria, except those on or in living ~~man~~ humans or other living animals, and except those on or in processed food, beverages, or pharmaceuticals.
43. 16. "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class of insecta, comprising six-legged, usually winged forms, and to other allied classes of arthropods whose members are wingless and usually have more than six legs.
44. 17. "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.
45. 18. "Labeling" means the label and all other written, printed, or graphic matter:
- a. Accompanying the pesticide or device; and
  - b. To which reference is made on the label or in literature accompanying or referring to the pesticide, except when accurate nonmisleading references are made to current official publications of the board; the United States environmental protection agency; the United States departments of agriculture and interior; the United States department of health and human services; state agricultural colleges; and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.
46. 19. "Land" means all land and water areas, including airspace, and all plants, animals, structures, buildings, contrivances, and machinery, appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.
47. 20. "Mixture" means a diluted pesticide combination.

18. 21. "Nematode" means invertebrate animals of the phylum nemathelminthes, and class nematoda, i.e., unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts, may also be called nemas or eelworms.
19. 22. "Person" means any individual, partnership, association, fiduciary, corporation, limited liability company, or any organized group of persons, whether or not incorporated.
20. 23. "Pest" means:
- a. Any insect, snail, slug, rodent, nematode, fungus, weed; or
  - b. Any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism, except viruses, bacteria, or other micro-organisms on or in living ~~man~~ humans or other living animals which are annoying or otherwise injurious or harmful to agriculture, health, and the environment.
21. 24. "Pesticide" means:
- a. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and
  - b. Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.
22. 25. "Pesticide dealer" means any person who distributes restricted use pesticides.
23. 26. "Plant regulator" means any substance or mixture of substances intended, through physiological action, to accelerate or retard the rate of growth or rate of maturation, or to otherwise alter the behavior of plants or the produce thereof, but does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.
27. "Private applicator" means a certified applicator who uses or supervises the use of any pesticide that is classified for restricted use, to produce any agricultural commodity on property owned or rented by the applicator or the applicator's employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.
24. 28. "Protect health and the environment" means protection against any unreasonable adverse effects on public health and the environment.
25. 29. "Public operator" means a certified applicator who applies restricted use pesticides as an employee of a state agency, municipal corporation, public utility, or other governmental agency.
26. 30. "Restricted use pesticide" means any pesticide formulation which is classified for restricted use by the board.
27. 31. "Rinsate" means a diluted mixture of pesticide obtained from triple rinsing pesticide containers or from rinsing the inside and outside of spray equipment.
28. 32. "Snails or slugs" ~~include~~ includes all harmful mollusks.
29. 33. "Tank mix" means any pesticidal formulation used alone or in combination with another pesticide and mixed with a liquid carrier prior to application.
30. 34. "Unreasonable adverse effects on the environment" means any unreasonable risk to ~~man~~ humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.
31. 35. "Weed" means any plant which grows where not wanted.

- ~~32.~~ 36. "Wildlife" means all living things that are neither human, domesticated, nor, as defined in this chapter, pests, including, ~~but not limited to,~~ mammals, birds, and aquatic life.

**SECTION 2. AMENDMENT.** Section 4-35-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-35-06. Pesticide control board to administer chapter and adopt regulations.**

1. a. ~~The pesticide control board shall administer the provisions of this chapter and has authority to issue regulations in conformance with provisions of may adopt rules under chapter 28-32 to carry out the provisions of this chapter. Such regulations~~ The rules may prescribe methods to be used in the application of pesticides. Where the board finds that such regulations are necessary to carry out the purpose and intent of this chapter, such regulations The rules may relate to the time, place, manner, methods, materials, and amounts and concentrations, in connection with the application of the pesticide, and may restrict or prohibit use of pesticides in designated areas during specified periods of time and shall encompass all reasonable factors which the board deems necessary to prevent damage or injury by drift or misapplication to:
    - a. (1) Plants, including forage plants, on adjacent or nearby lands.
    - b. (2) Wildlife in the adjoining or nearby areas.
    - e. (3) Fish and other aquatic life in waters in proximity to the area to be treated.
    - d. (4) Persons, animals, or beneficial insects.
  - b. ~~In issuing such regulations~~ adopting rules, the board shall give consideration to pertinent research findings and recommendations of other agencies of this state, the federal government, or other reliable sources.
2. For the purpose of uniformity, the board may adopt, ~~pursuant to chapter 28-32,~~ restricted use classifications as determined by the federal environmental protection agency. The board may also by regulation rule determine state restricted use pesticides for the state or designated areas within the state.
  3. The board, in adopting rules under this chapter, shall prescribe standards and requirements for the certification of applicators of ~~restricted use~~ pesticides. These standards and requirements must relate to the use and handling of pesticides. In determining these standards and requirements, the board shall take into consideration standards and requirements prescribed by the environmental protection agency.
  4. ~~Regulations~~ Rules adopted under this chapter may not permit any pesticide use which is prohibited by the Federal Insecticide, Fungicide, and Rodenticide Act or regulations or orders issued thereunder.
  5. In order to comply with section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act, the board ~~is authorized to~~ may make such reports to the United States environmental protection agency in such form and containing such information as that agency may from time to time require.
  6. ~~The board is authorized to make appropriate regulations, in accordance with chapter 28-32, for carrying out the provisions of this chapter, including, but not limited to, regulations providing~~ Rules adopted under this chapter may provide for:
    - a. The collection, examination, and reporting of samples of pesticides.
    - b. The safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers.



7. ~~c. The board may by regulation identify~~ The identification of "pests" under the guidelines of the definition of the term "pest" contained within, as defined in this chapter when the board finds particular organisms to be annoying or otherwise injurious or harmful to agriculture, health, and the environment.

**SECTION 3. AMENDMENT.** Section 4-35-08 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-35-08. Classification of certificates.** ~~The board may classify commercial certificates to be issued under this chapter. Such~~ The classifications may include pest control operators, wood treaters, ornamental or agricultural pesticide applicators, or right-of-way pesticide applicators. Separate classifications may be specified as to ground, aerial, or manual methods used by any applicator to apply restricted-use pesticides or to the use of restricted-use pesticides to control insects and plant diseases, rodents, or weeds. Each classification of certification may be subject to separate testing procedures and training requirements; provided that a person may be required to pay an additional fee if such the person desires to be certified in one or more of the classifications provided for by the board under the authority of this section.

**SECTION 4. AMENDMENT.** Section 4-35-09 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-35-09. Commercial or custom applicator's certification.**

1. ~~No person who would be a~~ A commercial applicator if certified or a custom applicator may not purchase or use a restricted-use pesticide without first complying with the certification standards and requirements of this chapter, or other restrictions as may be determined by the board.
2. An individual may be certified as a commercial applicator or as a custom applicator within a classification if the individual successfully completes an examination for the classification as prescribed by the board and administered by the North Dakota state university extension service or the service's designee. An application for certification must be on a form prescribed by the board and accompanied by a reasonable examination fee set by the board.
3. If the North Dakota state university extension service, or its designee, finds the applicant qualified to apply pesticides in the classifications for which the applicant has applied for, after examination as the board requires, and the applicant meets all other requirements of this chapter, the North Dakota state university extension service shall issue a commercial applicator's certificate or a custom applicator's certificate limited to the classifications in which the applicant is qualified.
4. If certification is not to be issued as applied for, the North Dakota state university extension service, or its designee, shall inform the applicant in writing of the reasons for not issuing the certification. Individuals certified pursuant to this section are deemed certified commercial applicators or certified custom applicators, for the use of restricted-use pesticides.

**SECTION 5. AMENDMENT.** Section 4-35-13 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-35-13. Application of act to governmental entities.** ~~All federal agencies, state agencies, municipal corporations, and any other governmental agencies, or and public utilities, are subject to this chapter and rules adopted thereunder concerning the application of restricted-use pesticides under this chapter.~~

**SECTION 6. AMENDMENT.** Section 4-35-15 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-35-15. Unlawful acts - Grounds for denial, suspension, or revocation of a certification.** ~~The commissioner may, after providing an opportunity for a hearing, may deny, suspend, revoke, or modify any provision of any certification issued under this chapter, if the commissioner finds that the applicant or the holder of a the certification has committed any of the acts enumerated act listed in this section. Each of the following acts is a violation of this chapter, whether committed by an applicant, by~~

the holder of the certification, or by any other person applying or using pesticides, if the person:

1. Made false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized, or advertised a pesticide without reference to its classification.
2. Made a pesticide recommendation, application, or use inconsistent with the labeling or other restrictions prescribed by the board.
3. Applied materials known by that person to be ineffective or improper.
4. Operated faulty or unsafe equipment.
5. Operated in a faulty, careless, or negligent manner.
6. Neglected, or, after notice, refused to comply with ~~the provisions of this chapter, the rules adopted hereunder~~ under this chapter, or of any lawful order of the commissioner.
7. Refused or neglected to keep and maintain the records required by this chapter, or to make reports when and as required.
8. Made false or fraudulent records, invoices, or reports.
9. Operated unlicensed equipment in violation of section 4-35-17.
10. Used fraud or misrepresentation in making an application for, or for renewal of, certification.
11. Refused or neglected to comply with any limitations or restrictions on or in a duly issued certification.
12. Aided or abetted a certified or an uncertified person to evade the provisions of this chapter, conspired with such a certified or an uncertified person to evade the provisions of this chapter, or allowed the person's certification to be used by another person.
13. Knowingly made false statements during or after an inspection or an investigation.
14. Impersonated ~~any~~ a federal, state, county, or city inspector or official.
15. Distributed any restricted use pesticide to any person who is required by law or rule to be certified to use or purchase ~~such~~ the restricted use pesticide unless ~~such~~ the person or ~~his~~ his agent to whom distribution is made is certified to use or purchase that kind of restricted use pesticide.
16. Bought, used, or supervised the use of any ~~restricted use~~ pesticide without first complying with the certification requirements of this chapter, unless otherwise exempted ~~therefrom~~.
17. Applied any economic poison ~~which~~ that is not registered pursuant to ~~the provisions of~~ chapter 19-18.

**SECTION 7. AMENDMENT.** Section 4-35-19 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-35-19. Exemptions.**

1. ~~The certification requirements of this chapter do not apply to any person applying pesticides that are not classified for restricted use.~~
2. The provisions of this chapter relating to certification requirements do not apply to a competent person applying restricted use pesticides under the direct supervision of a private applicator, unless the pesticide ~~labeling~~ label requires that a certified applicator personally ~~applies~~ apply the particular pesticide. A pesticide is ~~considered~~ deemed to be applied under the direct supervision of a private applicator if it is applied by a competent person acting under the ~~instructions~~ instruction and control of a private applicator

who is available if and when needed, even though ~~such~~ the private applicator is not physically present at the time and place that the pesticide is applied.

3. ~~2.~~ Persons The certification requirements of this chapter do not apply to any person conducting laboratory-type research using restricted use pesticides and ~~doctors~~ or to a doctor of medicine ~~and doctors~~ or a doctor of veterinary medicine ~~applying pesticides as drugs~~ a pesticide as a drug or as medication during the course of ~~their~~ normal practice.

**SECTION 8. AMENDMENT.** Subsection 4 of section 4-35.1-01 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. "Pesticide" means that term as defined ~~by subsection 21 of~~ in section 4-35-05."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2204, as engrossed and amended: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2204, as amended, was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to the establishment of a seed classification system;"

Page 1, line 2, after "seeds" insert "; and to provide an expiration date"

Page 1, after line 10, insert:

**"SECTION 2.** A new section to chapter 4-09 of the North Dakota Century Code is created and enacted as follows:

Seed classification system - Weed tolerances.The seed commission shall establish a seed classification system for annual crops and perennial crops which references tolerances for each restricted noxious weed species."

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

Page 3, after line 2, insert:

**"SECTION 4. EXPIRATION DATE.** This Act is effective through July 31, 2003, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2224: 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). SB 2224 was placed on the Sixth order on the calendar.

Page 1, line 2, after "areas" insert "; to provide for a report to the legislative assembly; and to provide an effective date"

Page 1, after line 9, insert:

**"SECTION 2. NO-MOW AREAS - REPORT TO LEGISLATIVE ASSEMBLY.** The director of the department of transportation shall work with the appropriate state and federal agencies to evaluate reasonable and appropriate environmental mitigation options and alternatives. The director shall submit a plan to the fifty-eighth legislative assembly to eliminate areas designated as no-mow or managed-mow areas from the right of way adjacent to highways under the department's jurisdiction.

**SECTION 3. EFFECTIVE DATE.** Section 1 of this Act becomes effective on January 1, 2004."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2272: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2272 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "certain purchases" with "the purchase"

Page 1, line 3, replace "leases" with "expansion"

Page 1, line 7, replace "makes an investment of more than seventy-five" with "purchases a new business or expands the taxpayer's existing business"

Page 1, remove line 8

Page 1, line 9, remove "thousand five hundred population" and remove "from"

Page 1, line 11, after "years" insert ", beginning with the date of purchase or completion of the expansion" and replace "The exemption under this subsection is first allowed in the" with "The cost of the acquisition or expansion must exceed seventy-five thousand dollars and must be an approved zone project. The new or expanding business must be located in a city of less than two thousand five hundred population."

Page 1, remove line 12

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2298, as engrossed: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2298 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2300: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2300 was placed on the Sixth order on the calendar.

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

Page 4, after line 16, insert:

**"SECTION 5.** A new section to chapter 36-21.1 of the North Dakota Century Code is created and enacted as follows:

Applicability of chapter. This chapter does not apply to estrays covered under chapter 36-22."

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2307, as engrossed and amended: 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). Engrossed SB 2307, as amended, 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 require the department of human services and developmental disabilities services providers to make recommendations regarding a statewide reimbursement system and to report to the legislative council.

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

**SECTION 1. DEPARTMENT OF HUMAN SERVICES AND DEVELOPMENTAL DISABILITIES SERVICES PROVIDERS - RECOMMENDATION - REPORT TO LEGISLATIVE COUNCIL.** The department of human services, in cooperation with developmental disabilities services providers representing each of the eight human service regions, shall prepare a joint recommendation for consideration by

the fifty-eighth legislative assembly regarding a new statewide developmental disability services provider reimbursement system. During the 2001-02 interim, the department of human services shall report quarterly to the legislative council regarding the progress in preparing a joint recommendation under this section."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2346, as engrossed: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2346 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2347: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2347 was placed on the Sixth order on the calendar.

Page 2, after line 6, insert:

"1."

Page 2, after line 10, insert:

"2. If an emergency is declared by the governor, the board shall conduct any appraisal required by this section within twenty-four hours and may destroy the animal as soon thereafter as practicable. The owner may not protest the appraisal. The owner may consent in writing to an earlier destruction of the animal."

Page 2, line 14, replace "If" with "Except as provided in section 3, if"

Page 3, line 13, after "check" insert "jointly" and after "owner" insert "and any lienholders"

Page 3, line 17, replace "appropriated" with "approved by the emergency commission" and replace "by the legislative assembly and the state" with an underscored period

Page 3, remove lines 18 and 19

Page 3, line 23, replace "payment" with "the board" and replace "be made" with "authorize payment"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2389, as engrossed and amended: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2389, as amended, was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and and enact a new section to chapter 4-10 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to seed potato inspections; and to"

Page 1, remove lines 5 through 11

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2419: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2419 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to provide for a legislative council study; and" and replace "repeal" with "amend and reenact"

Page 1, line 3, after "applicators" insert "; and to provide for a legislative council study"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 4-35-09.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-35-09.1. Proof of financial responsibility - Exceptions.**

1. A commercial pesticide applicator certificate may not be issued or renewed unless the applicant furnishes proof of financial responsibility as provided in this section. A commercial pesticide applicator shall furnish proof of responsibility on demand to the commissioner of agriculture as provided in this section. Minimum financial responsibility must be ~~demonstrated annually~~maintained in the amount of one hundred thousand dollars, and may be demonstrated by a notarized letter from an officer of a financial institution or from a certified public accountant attesting to the existence of net assets equal to at least one hundred thousand dollars, a performance bond, or a general liability insurance policy. The performance bond or insurance policy must contain a provision requiring the issuing company to notify the agriculture commissioner at least ten days before the effective date of cancellation, termination, or other modification of the bond or insurance policy. The agriculture commissioner ~~must~~shall immediately ~~request the suspension of~~suspend the certification of a person who fails to maintain the minimum financial responsibility standards of this section. If there is any recovery against the certificate holder, the holder ~~must~~shall demonstrate continued compliance with the minimum standards of this section. An employee of a commercial pesticide application business is not required to meet these standards separately if the business documents compliance with the minimum financial responsibility standards of this section. An application for reinstatement of a suspended certificate under this section must be accompanied by proof of satisfaction of any judgment previously rendered.
2. This section does not apply to:
  - a. A rancher who is required to obtain a commercial pesticide applicator certificate for controlling noxious weeds on the leased federal acreage as a condition of a federal grasslands lease.
  - b. A grazing association and its members if either the association or any member is required to obtain a commercial pesticide applicator certificate for controlling noxious weeds on the leased federal acreage as a condition of a federal grasslands lease.
  - 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."

Page 1, remove lines 11 and 12

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2420, as engrossed and amended: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2420, as amended, was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to repeal chapter 15 of the 1893 Session Laws,"

Page 1, line 3, remove "relating to authorizing the state to acquire a parcel of land in Pembina County;"

Page 1, line 7, remove ", in accordance with chapter 15 of the 1893 Session Laws,"

Page 1, line 9, replace "Demaulin" with "Dumoulin"

Page 1, line 12, replace "that represents, to the satisfaction of Pembina" with "by deed adequately protecting the county by providing that the suitable organization, its successors and assigns,"

Page 1, line 13, remove "County, that it", after "property" insert "solely", and after "cemetery" insert ", and for no other purpose,"

Page 2, remove line 3

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2455, as reengrossed: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2455 was placed on the Sixth order on the calendar.

Page 1, line 20, replace "up" with "the tax commissioner or designee and two members of the house of representatives and one member of the senate"

Page 1, line 21, remove "to four members of the legislative assembly"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4003: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4003 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4004: Finance and Taxation Committee (Rep. Carlson, 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.

#### REPORT OF STANDING COMMITTEE

**SCR 4005: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4005 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4006: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4006 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4010: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO NOT PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). SCR 4010 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4021: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SCR 4021 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4045, as engrossed: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SCR 4045 was placed on the Fourteenth order on the calendar.

#### MOTION

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

#### MOTION

**REP. MONSON MOVED** that the House be on the Fifth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, March 21, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**