

JOURNAL OF THE HOUSE

Fifty-eighth Legislative Assembly

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Bismarck, February 13, 2003

The House convened at 12:30 p.m., with Speaker Wentz presiding.

The prayer was offered by Rev. Scott Bauman, Charity Lutheran Church, Bismarck.

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

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

REP. BERG MOVED that the amendments on the Sixth order of business to HB 1086, HB 1096, HB 1155, HB 1232, HB 1241, HB 1281, HB 1287, HB 1325, HB 1329, HB 1334, HB 1361, HB 1370, HB 1387, HB 1397, HB 1398, HB 1424, HB 1425, HB 1427, HB 1438, HB 1450, HB 1494, HCR 3023 and HCR 3028 be adopted, which motion prevailed.

HCR 3023 and HCR 3028, as amended, were placed on the Tenth order of business on the calendar.

HB 1086, HB 1096, HB 1155, HB 1232, HB 1241, HB 1281, HB 1287, HB 1325, HB 1329, HB 1334, HB 1361, HB 1370, HB 1387, HB 1397, HB 1398, HB 1424, HB 1425, HB 1427, HB 1438, HB 1450 and HB 1494, as amended, were placed on the Eleventh order of business on the calendar.

SIXTH ORDER OF BUSINESS

HB 1408: REP. BERG (Industry, Business and Labor Committee) MOVED that the amendments on HJ pages 493-494 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1408: A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to smoking restrictions in nonpublic workplaces; to amend and reenact sections 23-12-09, 23-12-10, 23-12-10.1, 23-12-10.2, and 23-12-11 of the North Dakota Century Code, regarding restrictions on smoking in places of public access, publicly owned buildings or offices, and nonpublic workplaces; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 34 YEAS, 59 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boehning; Boucher; Devlin; Ekstrom; Glassheim; Gulleason; Herbel; Kasper; Kelsh, S.; Kempenich; Kingsbury; Klemin; Kretschmar; Meier; Metcalf; Monson; Niemeier; Norland; Nottestad; Potter; Price; Sandvig; Severson; Solberg; Thorpe; Uglen; Warner; Weiler; Wieland; Winrich; Zaiser; Speaker Wentz

NAYS: Bellew; Belter; Berg; Bernstein; Boe; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Grande; Grosz; Haas; Hanson; Hawken; Headland; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kerzman; Klein, F.; Klein, M.; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Nelson; Nicholas; Onstad; Pietsch; Pollert; Porter; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Wald; Warnke; Weisz; Wikenheiser; Williams; Wrangham

ABSENT AND NOT VOTING: Mueller

HB 1408 lost.

MOTION

REP. CARLSON MOVED that the House reconsider its action whereby HB 1411 passed, which motion lost on a verification vote.

MOTION

REP. BERG MOVED that HB 1472 and HB 1383 be laid over one legislative day, and HB 1405 be laid over two legislative days, which motion prevailed.

MOTION

REP. BERG MOVED that HB 1161 be moved to the bottom of the calendar, which motion prevailed.

MOTION

REP. BERG MOVED that HB 1308 be returned to the House floor from the **Appropriations Committee** and be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed.

MOTION

REP. BERG MOVED that HB 1273 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1273: A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the payment of signing bonuses by school boards.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 61 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Bernstein; Boehning; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Herbel; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Nelson; Nottestad; Pietsch; Pollert; Porter; Rennerfeldt; Ruby; Sandvig; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Speaker Wentz

NAYS: Aarsvold; Amerman; Boe; Boucher; Delmore; Eckre; Ekstrom; Froelich; Glassheim; Gulleon; Hanson; Hunskor; Johnson, D.; Kelsh, S.; Kerzman; Kroeber; Metcalf; Monson; Nicholas; Niemeier; Norland; Onstad; Potter; Price; Schmidt; Solberg; Thorpe; Warner; Williams; Winrich; Zaiser

ABSENT AND NOT VOTING: Brusegaard; Mueller

HB 1273 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1307: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to limitations on nonresident waterfowl hunting license and reduced fee incentives.

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 39 YEAS, 54 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg; Boe; Boehning; Boucher; Brusegaard; DeKrey; Devlin; Froelich; Froseth; Galvin; Gulleon; Haas; Headland; Hunskor; Johnson, D.; Johnson, N.; Klein, F.; Klein, M.; Kreidt; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Price; Ruby; Sandvig; Schmidt; Severson; Svedjan; Thorpe; Tieman; Timm; Uglem; Warner; Weisz; Wikenheiser; Speaker Wentz

NAYS: Aarsvold; Amerman; Bellew; Belter; Bernstein; Carlisle; Carlson; Clark; Delmore; Delzer; Dosch; Drovdal; Eckre; Ekstrom; Glassheim; Grande; Grosz; Hanson; Hawken; Herbel; Iverson; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier;

Metcalf; Monson; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Sitte; Skarphol; Solberg; Thoreson; Wald; Warnke; Weiler; Wieland; Williams; Winrich; Wrangham; Zaiser

ABSENT AND NOT VOTING: Mueller

Engrossed HB 1307 lost.

SECOND READING OF HOUSE BILL

HB 1416: A BILL for an Act to amend and reenact subsection 6 of section 55-08-05 of the North Dakota Century Code, relating to alcoholic beverage sales on state parks and recreation department property.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 71 YEAS, 20 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Carlisle; Clark; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Haas; Hanson; Hawken; Headland; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klein, F.; Klein, M.; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Nelson; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Schmidt; Solberg; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser

NAYS: Bellew; Belter; Brusegaard; Carlson; DeKrey; Delzer; Herbel; Hunskor; Kerzman; Kingsbury; Koppelman; Monson; Niemeier; Ruby; Sandvig; Severson; Sitte; Skarphol; Thorpe; Speaker Wentz

ABSENT AND NOT VOTING: Guleson; Mueller; Nicholas

Engrossed HB 1416 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1291: A BILL for an Act to amend and reenact section 49-09-04.2 of the North Dakota Century Code, relating to the sale of railroad right of way.

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 89 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Zaiser; Speaker Wentz

NAYS: Amerman; Keiser; Winrich

ABSENT AND NOT VOTING: Mueller; Nicholas

Engrossed HB 1291 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1336: A BILL for an Act to create and enact two new subsections to section 43-52-03 of the North Dakota Century Code, relating to exceptions to requirements for the practice of interpreting for the deaf and hard of hearing.

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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Kingsbury; Mueller; Nicholas; Thorpe; Weisz

Engrossed HB 1336 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1420: A BILL for an Act to create and enact two new sections to chapter 4-34 of the North Dakota Century Code, relating to records of cattle transactions; to amend and reenact sections 4-34-02, 4-34-03, 4-34-04, 4-34-05, 4-34-06, 4-34-08, and 4-34-10 of the North Dakota Century Code, relating to the North Dakota beef commission; 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 75 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Headland; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Speaker Wentz

NAYS: Bellew; Carlson; Delmore; Delzer; Froelich; Hanson; Hawken; Herbel; Kerzman; Klein, F.; Kroeber; Metcalf; Niemeier; Sandvig; Schmidt; Solberg; Zaiser

ABSENT AND NOT VOTING: Nicholas; Thorpe

Engrossed HB 1420 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1489: A BILL for an Act to create and enact four new sections to chapter 15.1-18 of the North Dakota Century Code, relating to teacher qualifications; to amend and reenact sections 15.1-13-08, 15.1-18-01, and 15.1-18-02 of the North Dakota Century Code, relating to teacher qualifications; to provide for a report; to repeal section 15.1-18-03 of the North Dakota Century Code, relating to high school teacher qualifications; 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 75 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Glassheim; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.;

Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

NAYS: Belter; Carlisle; Carlson; Galvin; Grande; Iverson; Kasper; Kempenich; Pietsch; Ruby; Sitte; Skarphol; Thoreson; Timm; Wald; Weiler; Wrangham

ABSENT AND NOT VOTING: Delzer; Nicholas

Engrossed HB 1489 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1181: A BILL for an Act to create and enact a new section to chapter 15.1-18 of the North Dakota Century Code, relating to teacher qualifications; to amend and reenact sections 15.1-18-02 and 15.1-18-03 of the North Dakota Century Code, relating to teacher qualifications; 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 0 YEAS, 91 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Delzer; Nicholas; Skarphol

HB 1181 lost.

MOTION

REP. BERG MOVED that HB 1423 be returned to the House floor from the **Appropriations Committee**, which motion prevailed.

MOTION

REP. BERG MOVED that HB 1243 be placed on the 11th order of the calendar as soon as it is passed out of the Appropriations Committee, which motion prevailed.

MOTION

REP. MONSON MOVED that the House stand in recess until 6:30 p.m., which motion prevailed.

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

SECOND READING OF HOUSE BILL

HB 1353: A BILL for an Act to create and enact three new subsections to section 19-03.1-01 and two new sections to chapter 19-03.4 of the North Dakota Century Code, relating to the definitions, prima facie proof of intent, and the retail or over-the-counter sale of methamphetamine precursor drugs; to amend and reenact section 19-03.1-01 and subsection 13 of section 19-03.4-01 of the North Dakota Century Code, relating to definitions used in the Uniform Controlled Substance Act and the definition of drug paraphernalia; to provide a penalty; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Nicholas

Engrossed HB 1353 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF STANDING COMMITTEE

HB 1243, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (15 YEAS, 1 NAY, 7 ABSENT AND NOT VOTING). Engrossed HB 1243 was placed on the Eleventh order on the calendar.

SECOND READING OF HOUSE BILL

HB 1243: A BILL for an Act to create and enact a new section to chapter 50-06, chapter 53-12, a new subsection to section 57-38-57, a new subsection to section 57-39.2-04, and a new subsection to section 57-39.2-23 of the North Dakota Century Code, relating to compulsive gambling prevention and treatment, the establishment of the North Dakota lottery, disclosure of confidential income and sales and use tax information, and to an exemption from sales tax; to amend and reenact subsection 2 of section 50-09-14 and subsection 2 of section 54-10-01 of the North Dakota Century Code, relating to setoffs of lottery prize payments for payment of child support and to the powers and duties of the state auditor; to provide a penalty; to provide a continuing appropriation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Eckre; Ekstrom; Froelich; Froseth; Glassheim; Grande; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Sandvig; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Bernstein; Boucher; Drovdal; Galvin; Gulleson; Hunskor; Kerzman; Niemeier; Rennerfeldt; Ruby; Solberg; Thorpe

ABSENT AND NOT VOTING: Nicholas

Engrossed HB 1243 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1322: A BILL for an Act to amend and reenact subsection 12 of section 39-06.1-06 of the North Dakota Century Code, relating to the fees for a violation of a highway construction zone speed limit.

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 85 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glasheim; Grande; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

NAYS: Bellew; Belter; Froelich; Grosz; Ruby; Schmidt; Thorpe; Wrangham

ABSENT AND NOT VOTING: Nicholas

HB 1322 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1161: A BILL for an Act to amend and reenact section 39-06-32, subsection 1 of section 39-08-01, sections 39-20-03.1 and 39-20-03.2, subsection 1 of section 39-20-04.1, subsections 2 and 5 of section 39-20-05, and sections 39-20-07 and 39-20-09 of the North Dakota Century Code, relating to the level of alcohol concentration prohibited for motor vehicle operators.

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 75 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boehning; Boucher; Brusegaard; Clark; DeKrey; Delmore; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Glasheim; Grande; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

NAYS: Belter; Boe; Carlisle; Carlson; Delzer; Devlin; Dosch; Galvin; Grosz; Iverson; Kempenich; Klein, F.; Maragos; Martinson; Thoreson; Timm; Wald; Wrangham

ABSENT AND NOT VOTING: Nicholas

HB 1161 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1292: A BILL for an Act to amend and reenact section 39-24-04 of the North Dakota Century Code, relating to a snowmobile access fee.

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 53 YEAS, 38 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boucher; Brusegaard; Clark; DeKrey; Delmore; Devlin; Dosch; Eckre; Ekstrom; Froelich; Glasheim; Gulleeson; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kingsbury; Koppelman; Kretschmar; Kroeber; Maragos; Metcalf; Mueller; Nelson; Norland; Nottestad; Onstad; Pietsch; Porter; Potter; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Tieman; Uglem; Warner; Weiler; Wieland; Williams; Winrich

NAYS: Bellew; Boe; Boehning; Carlisle; Carlson; Delzer; Drovdal; Froseth; Galvin; Grande; Grosz; Haas; Iverson; Kasper; Keiser; Kempenich; Kerzman; Klein, F.; Klein, M.; Klemin; Kreidt; Meier; Monson; Niemeier; Pollert; Price; Rennerfeldt; Ruby; Skarphol; Thoreson; Thorpe; Timm; Wald; Warnke; Weisz; Wikenheiser; Wrangham; Zaiser

ABSENT AND NOT VOTING: Martinson; Nicholas; Speaker Wentz

HB 1292 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1253: A BILL for an Act to amend and reenact subdivision c of subsection 2 of section 39-06.1-06, paragraph 34 of subdivision a of subsection 3 of section 39-06.1-10, and section 39-21-41.2 of the North Dakota Century Code, relating to child restraint devices; 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 44 YEAS, 49 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bernstein; Boucher; Delmore; Dosch; Eckre; Ekstrom; Froelich; Glassheim; Gulleson; Hanson; Hawken; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Klemin; Kretschmar; Kroeber; Maragos; Martinson; Meier; Mueller; Nelson; Niemeier; Nottestad; Onstad; Potter; Price; Sandvig; Schmidt; Solberg; Svedjan; Thorpe; Uglen; Warner; Warnke; Weiler; Williams; Winrich; Speaker Wentz

NAYS: Bellew; Belter; Berg; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Drovdal; Froseth; Galvin; Grande; Grosz; Haas; Headland; Herbel; Iverson; Kasper; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Koppelman; Kreidt; Metcalf; Monson; Norland; Pietsch; Pollert; Porter; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Thoreson; Tieman; Timm; Wald; Weisz; Wieland; Wikenheiser; Wrangham; Zaiser

ABSENT AND NOT VOTING: Nicholas

Engrossed HB 1253 lost.

SECOND READING OF HOUSE BILL

HB 1255: A BILL for an Act to amend and reenact section 39-21-39 of the North Dakota Century Code, relating to windshield tinting.

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 79 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kempenich; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Niemeier; Norland; Nottestad; Onstad; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Timm; Uglen; Wald; Warner; Warnke; Weiler; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Clark; Delzer; Froelich; Kasper; Kerzman; Klein, F.; Nelson; Pietsch; Pollert; Thoreson; Tieman; Weisz

ABSENT AND NOT VOTING: Boucher; Kelsch, R.; Nicholas

Engrossed HB 1255 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1376: A BILL for an Act to amend and reenact subsection 21 of section 43-17-31 of the North Dakota Century Code, relating to disciplinary actions against physicians.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 85 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Galvin; Glassheim; Klein, F.; Maragos; Ruby; Wald; Wrangham

NAYS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Grande; Grosz; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Nicholas

HB 1376 lost.

SECOND READING OF HOUSE BILL

HB 1392: A BILL for an Act to amend and reenact subsection 1 of section 12.1-20-03 and subsection 1 of section 12.1-20-07 of the North Dakota Century Code, relating to drug-facilitated sexual assault.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 31 YEAS, 62 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Carlisle; DeKrey; Delmore; Dosch; Ekstrom; Glassheim; Gulleeson; Hanson; Hawken; Hunskor; Johnson, N.; Kelsch, R.; Kelsh, S.; Kerzman; Koppelman; Kreidt; Kroeber; Maragos; Meier; Metcalf; Niemeier; Onstad; Sandvig; Solberg; Warner; Weiler; Winrich; Zaiser; Speaker Wentz

NAYS: Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlson; Clark; Delzer; Devlin; Drovdal; Eckre; Froelich; Froseth; Galvin; Grande; Grosz; Haas; Headland; Herbel; Iverson; Johnson, D.; Kasper; Keiser; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kretschmar; Martinson; Monson; Mueller; Nelson; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warnke; Weisz; Wieland; Wikenheiser; Williams; Wrangham

ABSENT AND NOT VOTING: Nicholas

HB 1392 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3016: A concurrent resolution for the amendment of section 2 of article III of the Constitution of North Dakota, relating to requiring a determination of the fiscal impact of an initiated measure.

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

YEAS: Carlson; Clark; Delzer; Dosch; Grande; Keiser; Klein, M.; Klemin; Meier; Porter; Skarphol; Thoreson; Weiler; Wieland; Wrangham

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; DeKrey; Delmore; Devlin; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Potter; Price; Rennerfeldt; Ruby; Sandvig; Severson; Sitte; Solberg; Svedjan; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weisz; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Nicholas

HCR 3016 lost.

SECOND READING OF HOUSE BILL

HB 1396: A BILL for an Act to amend and reenact subsection 1 of section 10-06.1-09 and sections 10-06.1-12 and 10-06.1-19 of the North Dakota Century Code, relating to corporations in farming and ranching.

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 53 YEAS, 40 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Devlin; Dosch; Drovda; Froseth; Grande; Grosz; Haas; Hawken; Herbel; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Klein, M.; Klemin; Koppelman; Maragos; Martinson; Meier; Monson; Norland; Nottestad; Pietsch; Porter; Potter; Price; Rennerfeldt; Ruby; Severson; Sitte; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Winrich

NAYS: Aarsvold; Amerman; Boe; Boucher; Delmore; Delzer; Eckre; Ekstrom; Froelich; Galvin; Glassheim; Gulleson; Hanson; Headland; Hunskor; Johnson, D.; Kelsch, S.; Kerzman; Kingsbury; Klein, F.; Kreidt; Kretschmar; Kroeber; Metcalf; Mueller; Nelson; Niemeier; Onstad; Pollert; Sandvig; Schmidt; Skarphol; Solberg; Thorpe; Warner; Wikenheiser; Williams; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Nicholas

HB 1396 passed and the title was agreed to.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1123, HB 1145, HB 1148, HB 1264, HB 1278, HB 1345, HB 1399, HB 1411, HB 1421, HB 1475, HB 1481, HB 1492, HB 1498, HCR 3043, HCR 3044.

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 2001, SB 2005, SB 2060, SB 2224, SB 2266, SB 2280, SB 2318, SB 2332, SB 2372, SCR 4008, SCR 4020, SCR 4026, SCR 4029.

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 2020, SB 2085, SB 2414.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Hawken, Delmore, D. Johnson, R. Kelsch and Sens. Cook, Flakoll introduced:

HCR 3052: A concurrent resolution directing the Legislative Council to study school district data collection and reporting requirements.

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

FIRST READING OF SENATE BILLS

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the state seed department.

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

SB 2044: A BILL for an Act to amend and reenact subdivision p of subsection 4 of section 12.1-32-07 and section 12.1-32-08 of the North Dakota Century Code, relating to the collection of restitution for insufficient funds checks; and to provide for a continuing appropriation.

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

SB 2081: A BILL for an Act to create and enact a new section to chapter 19-18 of the North Dakota Century Code, relating to experimental use permits; to amend and reenact section 4-35-06 of the North Dakota Century Code, relating to restricted use pesticides; and to repeal section 4-35-07 of the North Dakota Century Code, relating to experimental use permits.

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

SB 2167: A BILL for an Act to provide for a legislative council study of the workers compensation bureau's treatment of after-acquired medical evidence.

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

SB 2223: A BILL for an Act to authorize for a city or county to require the submission of fingerprints of an applicant for certain city or county employment.

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

SB 2292: A BILL for an Act to amend and reenact section 35-20-17 of the North Dakota Century Code, relating to landlord's mobile home liens.

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

SB 2298: A BILL for an Act to to amend and reenact section 65-01-08 of the North Dakota Century Code, relating to workers' compensation coverage of staffing services.

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

SB 2323: A BILL for an Act to create and enact two new sections to chapter 20.1-08 of the North Dakota Century Code, relating to the governor's authority to restrict cervidae carcass imports due to chronic wasting disease and the governor's authority to declare an animal health emergency; and to declare an emergency.

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

SB 2359: A BILL for an Act to provide for the designation of a regional human service center for program supervision in cases of multicounty program administration.

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

SB 2364: A BILL for an Act to create and enact a new subsection to section 50-29-02 and three new subsections to section 50-29-04 of the North Dakota Century Code, relating to duties of the department of human services and coverage under the children's health insurance program; and to amend and reenact section 50-29-01 of the North Dakota Century Code, relating to definitions under the children's health insurance program.

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

SB 2385: A BILL for an Act to create and enact two new sections to chapter 4-38 of the North Dakota Century Code, relating to organic food standards; to amend and reenact section 4-38-02 of the North Dakota Century Code, relating to certifying agents; to repeal sections 4-38-01, 4-38-03, 4-38-04, 4-38-05, and 4-38-06 of the North Dakota Century Code, relating to organic food standards; and to provide a penalty.

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

SB 2388: A BILL for an Act to amend and reenact sections 40-57-02, 40-57-03, 40-57-04, 40-57-04.1, and 40-57-05 of the North Dakota Century Code, relating to municipal industrial development bonds.

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

SB 2393: A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to duties of the department of commerce division of workforce development; and to amend and reenact section 54-60-04 of the North Dakota Century Code, relating to duties of the North Dakota economic development foundation.

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

SB 2404: A BILL for an Act to amend and reenact subsection 2 of section 15 of chapter 173 of the 2001 Session Laws, relating to the use of contingent payments for the compensation of teachers employed at the youth correctional center; to provide an appropriation; and to declare an emergency.

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

SB 2407: A BILL for an Act to amend and reenact section 39-12-05.3 of the North Dakota Century Code, relating to weight limitations on vehicles.
Was read the first time and referred to the **Transportation Committee**.

SB 2417: A BILL for an Act providing an appropriation for defraying the expenses of the Office of Attorney General for prosecution witness fee expenses incurred by cities and counties; and to declare an emergency.
Was read the first time and referred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1044, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HB 1044 was placed on the Sixth order on the calendar.

Page 1, line 5, after the second semicolon insert "to provide a statement of legislative intent;"

Page 4, after line 12, insert:

"SECTION 7. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the appropriation for the judicial branch in House Bill No. 1002 be reduced by \$3,143,179 from the general fund and that the appropriation for the office of administrative hearings be increased by the same amount to provide funding to administer the provisions of this Act for the biennium beginning July 1, 2003, and ending June 30, 2005."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1048: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1048 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1088, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1088 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "eighty" and insert immediately thereafter "ninety"

Page 2, line 3, remove the overstrike over "~~sixty-five~~" and remove "fifty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1179: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1179 was placed on the Sixth order on the calendar.

Page 1, line 6, after the third boldfaced period insert:

"1."

Page 1, line 7, after "disclose" insert "to a nonaffiliated third party a customer's"

Page 1, line 9, after "1436]" insert "or contrary to the rules adopted by the commissioner under this section", after the fourth period insert "2. a.", overstrike "may" and insert immediately thereafter "shall", and overstrike "as may be"

Page 1, line 10, after the period insert:

"b."

Page 1, line 12, after the period insert:

"c."

Page 1, line 13, replace "the provisions of the previous sentence, the rules must," with "subdivision b and" and after "exceptions" insert an underscored comma

Page 1, line 15, after the underscored comma insert "the rules must"

Page 1, line 17, after the underscored period insert:

"d. Notwithstanding subdivision b, the model regulation exemptions, and the exemptions under federal law, the rules must provide that an insurance company, nonprofit health service corporation, or health maintenance organization must have an individual's consent before disclosing the individual's information to a nonaffiliated third party under a joint marketing agreement, as defined under section 502(b)(2) of the federal Financial Services Modernization Act of 1999 [Pub. L. 106-102; 113 Stat. 1437; 15 U.S.C. 6802(b)(2)].

3."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1200: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (22 YEAS, 000 NAYS, 1 ABSENT AND NOT VOTING). HB 1200 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1205: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1205 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1218: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1218 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1224: Natural Resources Committee (Rep. Nelson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HB 1224 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 20.1-02-05 of the North Dakota Century Code, relating to waterfowl resting areas.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 20.1-02-05 of the North Dakota Century Code is created and enacted as follows:

Carry out a program that targets waterfowl resting areas within the private lands initiative program which includes payments to private landowners for lease of waterfowl resting areas on private lands that during the term of the lease provides limited public access for the hunting of waterfowl."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1234: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1234 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "28-24-02" insert ", 28-24-04, and 32-19-18"

Page 1, after line 20, insert:

"**SECTION 2. AMENDMENT.** Section 28-24-04 of the North Dakota Century Code is amended and reenacted as follows:

28-24-04. Successive redemptions - Time. If property is redeemed by a redemptioner, another redemptioner, even after the expiration of ~~one year from the day of sale~~ the period of redemption, may redeem from the last redemption if the redemption is made within sixty days after ~~such~~ the last redemption. This sixty-day limitation does not apply to any redemption made within ~~one year after the sale~~ the period of redemption by whomsoever or from whomsoever ~~such~~ the redemption is made, but all persons entitled to redeem in all cases have the entire period of ~~one year from the day of sale~~ redemption in which to redeem. The property, as often as a redemptioner is so disposed, may be redeemed again from any previous redemptioner within sixty days after the last redemption.

SECTION 3. AMENDMENT. Section 32-19-18 of the North Dakota Century Code is amended and reenacted as follows:

32-19-18. Redemption. All real property sold upon foreclosure of a mortgage by order, judgment, or decree of court may be redeemed ~~at any time within one year after such sale~~ as prescribed by chapter 28-24."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1242: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1242 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1257: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1257 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 section to chapter 32-19 of the North Dakota Century Code, relating to requests for notice of intention to foreclose.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 32-19 of the North Dakota Century Code is created and enacted as follows:

Request for notice of intention to foreclose.

1. A person with an interest in the real estate, other than the legal owner of record, may record in the office of the recorder of the county in which the real estate is located a request for service of a notice of intention to foreclose a real estate mortgage or contract for deed. The request for notice must be recorded as a separate and distinct document. The request must state:
 - a. The recording data for the mortgage or contract for deed on which a notice of intention to foreclose is requested;
 - b. The names of the parties to the mortgage or contract for deed on which a notice of intention to foreclose is requested;
 - c. The name and address of the person requesting service of a notice of intention to foreclose; and
 - d. A legally sufficient description of the real property collateral affected by the real estate mortgage or contract for deed.
2. A person that records a request under subsection 1 before the date on which a notice before foreclosure required by section 32-19-20 is served is entitled to be served with a notice of intention to foreclose. The person must be served by first-class mail addressed to the person at the address

shown on the recorded request. Recording a request does not affect the title to the real property collateral and does not impute knowledge to any person of an interest in the real property collateral held or claimed by the person requesting service of a notice of intention to foreclose. A person that records a request for service of a notice of intention to foreclose under this section may subsequently record an amendment withdrawing the request or supplementing or correcting the person's name, address, or other information in the request.

3. The notice of intention to foreclose required by this section must contain:
 - a. A description of the real estate;
 - b. The date of the mortgage or contract for deed;
 - c. The name and address of the recordholder of the mortgage or contract for deed; and
 - d. A statement that one or more defaults exist under the mortgage or contract for deed and that if the defaults are not cured within the time permitted by law, proceedings may be commenced to foreclose the mortgage or contract for deed. The statement required by this subsection is not customer information for the purposes of chapter 6-08.1.
4. If foreclosure of a mortgage or contract for deed on real estate is completed and a person that had timely recorded a proper request for service of a notice of intention to foreclose under subsection 1 was not served with a notice of intention to foreclose, the person is entitled to recover five hundred dollars from the foreclosing creditor. No other remedy or sanction may be imposed against the foreclosing creditor on behalf of the person for failure to serve a notice of intention to foreclose. Failure to serve the notice does not constitute a defense to the foreclosure or invalidate the foreclosure in any way."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1260: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1260 was placed on the Sixth order on the calendar.

Page 2, line 18, remove "condominium owners, tenants,"

Page 2, remove lines 22 through 25

Page 2, line 27, remove "1."

Page 2, line 29, replace "a." with "1."

Page 2, line 30, remove "age, occupation,"

Page 3, line 1, replace "b." with "2."

Page 3, line 4, replace "subsection" with "section"

Page 3, remove lines 5 through 7

Page 3, line 8, replace "d." with "3."

Page 3, line 9, remove "or in the absence of a credit report,"

Page 3, line 12, replace "e." with "4." and after "Consider" insert "an absence of credit information or"

Page 3, line 14, replace "(1)" with "a."

Page 3, line 15, replace "the inability to" with "such an absence or inability relates to the risk for the insurer."

Page 3, remove line 16

Page 3, line 17, replace "(2)" with "b."

Page 3, line 19, replace "(3)" with "c."

Page 3, line 21, replace "f." with "5."

Page 3, line 23, replace "ninety" with "one hundred twenty"

Page 3, line 25, replace "g." with "6."

Page 3, line 28, replace "subsection" with "section"

Page 3, line 29, replace "(1)" with "a."

Page 4, line 3, replace "(2)" with "b."

Page 4, line 6, replace "(3)" with "c."

Page 4, line 7, replace "paragraph 1" with "subdivision a"

Page 4, line 8, replace "(a)" with "(1)"

Page 4, line 10, replace "(b)" with "(2)"

Page 4, line 14, replace "(c)" with "(3)"

Page 4, line 16, after "for" insert "underwriting or rating"

Page 4, line 18, replace "(d)" with "(4)"

Page 4, line 21, replace "h." with "7."

Page 4, line 24, replace "(1)" with "a."

Page 4, line 26, replace "(2)" with "b."

Page 4, line 28, replace "(3)" with "c."

Page 4, line 30, replace "(4)" with "d."

Page 5, line 3, replace "(5)" with "e."

Page 5, remove lines 7 through 12

Page 5, line 28, replace the second "application" with "applicant"

Page 6, line 29, replace "confidential" with "a trade secret under chapter 47-25.1"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1301: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1301 was placed on the Sixth order on the calendar.

Page 1, line 2, remove ", possession, and use"

Page 1, line 7, remove ", **purchase, possession, and use**"

Page 1, line 8, remove ", purchase, distribute, possess, smoke, or use"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1324: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS,

0 ABSENT AND NOT VOTING). HB 1324 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 section to chapter 32-23 of the North Dakota Century Code, relating to allocation among parties of costs in declaratory judgments with respect to insurance policies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 32-23 of the North Dakota Century Code is created and enacted as follows:

Determination of coverage under insurance policy. In a declaratory judgment action to determine coverage under an insurance policy, each party, including insureds and insurers, shall bear that party's own attorney's fees unless the court determines that contract language in the insurance policy provides coverage for attorney's fees, the insurer has acted unreasonably or unfairly in disputing coverage or a claim, or the insurer acted in bad faith."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1332: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1332 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "six" with "five"

Page 1, line 4, replace "Six" with "Five"

Page 1, line 18, remove "The"

Page 1, remove lines 19 through 22

Page 2, line 1, after "4." insert ""Independent third-party certifier" means a person not affiliated with any car company or noncar company manufacturer of aftermarket crash parts which inspects, tests, and validates aftermarket crash parts as being equivalent to or exceeding original equipment manufacturer parts in terms of fit, finish, quality, and performance.

5."

Page 2, line 4, replace "5." with "6."

Page 2, line 7, replace "6." with "7."

Page 2, line 10, replace "is a certifying" with "shall register with the insurance commissioner. To be eligible to register, an independent third-party certifier must be accredited by the American national standards institute and have accreditation to all international organization for standardization guides for laboratories, products certification, quality system registration, and standards development."

Page 2, remove lines 11 through 31

Page 3, remove lines 1 through 5

Page 3, line 7, after "certified" insert "by a registered independent third-party certifier" and after the period insert "However, the sole source of like kind and quality parts for a motor vehicle less than two years old is new original equipment manufactured replacement crash parts unless the customer consents in writing to use aftermarket parts."

Page 3, line 8, after the boldfaced period insert "An insurer that requires a policyholder to repair a damaged motor vehicle with certified aftermarket crash parts shall warranty the certified aftermarket crash parts."

Page 3, line 15, remove "manufacturer or distributor of the parts and/or an"

Page 3, remove lines 20 through 25

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1340: Natural Resources Committee (Rep. Nelson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). HB 1340 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the termination of wind energy development leases.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Duty of lessee to have terminated or forfeited wind energy development leases released - Publication notice - Satisfaction of lease to be recorded - Notice to real property owner - Remedies. When a wind energy development lease given on real property situated and recorded in a county in this state terminates or is forfeited, the lessee or the lessee's successors or assigns, within fifteen days after the date of the termination or forfeiture, shall have the lease surrendered in writing. The surrender must be signed by the party surrendering the lease, acknowledged, and placed on record in the county where the leased real property is situated without cost to the property owner. If the lessee or the lessee's successors or assigns fails or neglects to execute and record the surrender within the time required, the property owner may serve upon the lessee or the lessee's successors or assigns of record, in person or by registered mail, at the lessee's last-known address, or if the post-office address is not shown of record then by publication once a week for three consecutive weeks in a newspaper of general circulation in the county where the real property is situated, a written notice in substantially the following form:

To _____: I, the undersigned, owner of the following described land situated in _____ County, North Dakota: (description of land) upon which a lease dated _____, _____, was given to _____ notify you that the lease has terminated or become forfeited by breach of its terms, that I declare the lease forfeited and void and that, unless you, within twenty days from this date, notify the recorder of the county as provided by law that the lease has not been forfeited, I will file with the recorder a satisfaction of lease as provided by law, and I demand that you execute or have executed a proper surrender of the lease and that you put the same of record in the office of the recorder of the county within twenty days from this date.

Dated _____, _____.

After twenty days from the date of service, registration, or first publication of the notice, the owner of the real property may file with the recorder of the county where the property is situated a satisfaction of lease setting forth that the affiant is the owner of the property, that the lease has terminated or that the lessee or the lessee's successors or assigns has failed or neglected to comply with the terms of the lease, reciting the facts constituting the failure and that the lease has been forfeited and is void, and setting out in satisfaction of lease a copy of the notice served and time of the service. If the lessee or the lessee's successors or assigns gives written notice within twenty days after service to the recorder of the county where the property is located that the lease has not been forfeited and that the lessee or the lessee's successors or assigns still claim that the lease is in full force and effect, the satisfaction of lease may not be recorded but the recorder shall notify the owner of the property of the action of the lessee or the lessee's successors or assigns and the owner of the property is entitled to the remedies provided by law for the cancellation of the disputed lease. If the lessee or the lessee's successors or assigns fails to notify the recorder, the recorder shall record the satisfaction of lease and thereafter the record of the lease is not notice to the public of the existence of the lease or of any interest therein, or rights thereunder, and the record may not be received in evidence in a court of the state on behalf of the lessee or the lessee's successors or assigns, against the lessor or the lessor's successors or assigns.

SECTION 2. Surrender of wind energy development lease by lessee. A wind energy development lease that has been or may hereafter be recorded in the

office of the recorder of a county may be discharged and canceled of record by the recording of a certificate of cancellation signed by the lessee or the lessee's assigns of record, or the lessee's duly authorized attorney in fact or personal representative, including a foreign executor or administrator, or a corporation or limited liability company by its duly authorized officers or managers surrendering all of the lessee's right, title, and interest in and to the lease, which certificate must be acknowledged as prescribed by law.

SECTION 3. Wind energy development leases - Termination.

Notwithstanding any other law, a lease for a wind energy development project or wind turbine terminates five years after the date of the lease unless at least one hundred kilowatts of electricity is produced from a wind turbine located on the leasehold."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1354: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1354 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "a class B" with "an infraction."

Page 1, remove line 15

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1362: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1362 was placed on the Sixth order on the calendar.

Page 1, line 14, after the first comma insert "subsection 10 of section 10-31-01,"

Page 2, line 27, after the first comma insert "professional corporations,"

Page 34, line 5, replace "of" with "or"

Page 34, after line 10, insert:

"SECTION 23. AMENDMENT. Subsection 10 of section 10-31-01 of the North Dakota Century Code is amended and reenacted as follows:

10. "Professional service" means the personal service to the public which requires a license as a condition precedent to the rendering of such service and which ~~before the passage of this chapter could not be performed by a corporation, limited liability company, or a limited liability partnership~~ requires as a condition of licensure an undergraduate or advanced college degree in the specific field."

Page 103, line 7, remove "Activity" or "activities" means, in a corporation organized under this chapter, the"

Page 103, remove lines 8 and 9

Page 103, line 10, remove "2."

Page 103, line 15, remove the overstrike over "2." and remove "3."

Page 103, line 26, remove the overstrike over "3." and remove "4."

Page 104, line 4, replace "5." with "4."

Page 104, line 5, replace "6." with "5."

Page 104, line 6, replace "7." with "6."

Page 104, line 8, replace "8." with "7."

Page 104, line 10, replace "9." with "8."

Page 104, line 11, replace "10." with "9."

Page 104, line 13, replace "11." with "10."

Page 104, line 15, replace "12." with "11."

Page 104, line 21, replace "13." with "12."

Page 104, line 23, replace "14." with "13."

Page 104, line 26, replace "15." with "14."

Page 105, line 12, replace "16." with "15."

Page 105, line 15, replace "17." with "16."

Page 105, line 18, replace "18." with "17."

Page 105, line 19, replace "19." with "18."

Page 105, line 28, replace "20." with "19."

Page 106, line 1, replace "21." with "20."

Page 106, line 4, replace "22." with "21."

Page 106, line 8, replace "23." with "22."

Page 106, line 10, replace "24." with "23."

Page 106, line 12, replace "25." with "24."

Page 106, line 16, replace "26." with "25."

Page 107, line 31, replace "27." with "26."

Page 108, line 4, replace "28." with "27."

Page 108, line 9, replace "29." with "28."

Page 108, line 14, replace "30." with "29."

Page 108, line 16, replace "31." with "30."

Page 108, line 18, replace "32." with "31."

Page 108, line 28, replace "33." with "32."

Page 109, line 1, replace "34." with "33."

Page 109, line 19, replace "35." with "34."

Page 109, line 28, replace "36." with "35."

Page 109, line 30, replace "37." with "36."

Page 109, line 31, replace "38." with "37."

Page 126, line 4, replace "26" with "25"

Page 131, line 15, replace "34" with "33"

Page 141, line 9, after "corporation" insert "or limited liability company" and overstrike "corporate"

Page 141, line 12, after "incorporation" insert ", articles of organization,"

Page 145, line 24, replace "dissolution" with "termination"

Page 147, line 8, replace "All" with "Except for annual reports, all"

Page 147, line 25, replace "managing" with "general"

Page 149, line 16, replace the second "of" with "or"

Page 150, line 10, remove "liability"

Page 162, line 24, after "notice" insert "to"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1365: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1365 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1371: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1371 was placed on the Sixth order on the calendar.

Page 1, line 7, after "fee" insert "for a bond", remove the overstrike over "~~ten~~", and remove "twelve"

Page 1, line 8, remove "A"

Page 1, remove lines 9 through 11

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1388: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1388 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "51-26 and" and after "51-27" insert "and 51-28"

Page 1, line 5, replace "51-26" with "51-27"

Page 1, line 7, replace "**51-26-01**" with "**51-27-01**"

Page 1, line 24, replace "**51-26-02**" with "**51-27-02**"

Page 3, line 13, replace "**51-26-03**" with "**51-27-03**"

Page 3, line 15, replace "**51-26-04**" with "**51-27-04**"

Page 3, line 18, replace "**51-26-05**" with "**51-27-05**"

Page 3, line 26, replace "**51-26-06**" with "**51-27-06**"

Page 4, line 1, replace "51-27" with "51-28"

Page 4, line 3, replace "**51-27-01**" with "**51-28-01**"

Page 4, line 22, replace "**51-27-02**" with "**51-28-02**"

Page 4, line 27, replace "**51-27-03**" with "**51-28-03**"

Page 5, line 11, replace "**51-27-04**" with "**51-28-04**"

Page 5, line 30, replace "**51-27-05**" with "**51-28-05**" and after the second boldfaced period insert "This chapter does not prevent or limit an internet service provider from adopting a policy regarding commercial or other electronic mail, including a policy of declining to transmit certain types of electronic mail messages, or from enforcing a policy through

technical means, through contract, or by pursuing a remedy available under any other law."

Page 6, line 4, replace "51-27-06" with "51-28-06"

Page 6, line 12, replace "51-27-07" with "51-28-07"

Page 6, line 17, replace "51-27-02" with "51-28-02"

Page 6, line 20, replace "51-27-03" with "51-28-03" and replace "51-27-04" with "51-28-04"

Page 6, line 25, replace "51-27-02" with "51-28-02"

Page 6, line 28, replace "51-27-03" with "51-28-03" and replace "51-27-04" with "51-28-04"

Page 7, line 9, replace "51-27-08" with "51-28-08"

Page 7, line 15, replace "51-26" with "51-27"

Page 7, line 17, replace "51-27" with "51-28"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1426: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1426 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "two" with "a" and replace "sections the" with "section to"

Page 1, line 6, replace "17" with "15"

Page 1, line 12, replace "and" with "or 40-57.4."

Page 1, remove lines 13 and 14

Page 3, line 22, replace "17" with "15"

Page 4, after line 19, insert:

8. Establish the geographical boundaries of the commerce authority within or coextensive with the geographical boundaries of one or more of the participating political subdivisions.
9. Establish the extent to which the financial incentives provided under sections 1 through 15 of this Act will apply to the commerce authority.
10. Acquire property to carry out the purposes of sections 1 through 15 of this Act by condemnation and the exercise of eminent domain in the manner provided in chapter 32-15 and other laws applicable to political subdivisions in exercising the right of eminent domain."

Page 4, line 21, replace "17" with "15"

Page 5, line 10, replace "17" with "15"

Page 5, remove lines 13 through 17

Page 5, line 18, replace "14." with "12."

Page 5, line 21, replace "15." with "13."

Page 5, remove lines 24 through 28

Page 6, line 22, replace "17" with "15"

Page 7, line 2, replace "17" with "15"

Page 8, line 9, replace "A commerce authority" with "The elected governing body of a participating political subdivision"

Page 8, line 12, replace "subdivisions" with "subdivision"

Page 8, line 23, remove "**may be certified**" and remove "**commerce authority or**"

Page 8, line 25, after "tax" insert "requested" and replace "Each" with "The governing body of each"

Page 8, line 26, after "shall" insert "consider the" and replace "the amount certified" with "request of the commerce authority and determine the amount to be levied"

Page 8, line 28, replace "certified by" with "levied on behalf of"

Page 8, line 31, replace "17" with "15"

Page 9, line 3, remove ", levied,"

Page 9, remove lines 5 through 10

Page 9, line 13, replace "the limitation in section 18 of this Act" with "four mills,"

Page 9, line 22, replace "16" with "14"

Page 10, line 1, replace "Two" with "A" and replace "sections" with "section"

Page 10, line 2, replace "are" with "is"

Page 10, remove lines 3 through 6

Page 10, line 9, replace "20" with "18"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1431, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1431 was placed on the Sixth order on the calendar.

Page 1, line 2, after the fifth comma insert "and" and remove ", and 57-36-25.2"

Page 1, line 4, remove "57-36-25.1,"

Page 1, line 5, after "indicia" insert "; to repeal section 57-36-25.1 of the North Dakota Century Code, relating to tobacco tax deductions for distributors"

Page 2, line 27, after "tobacco" insert "and are not subject to the indicia requirements of this chapter"

Page 3, line 29, after the period insert "A distributor shall provide minimum retail pricing on all invoices."

Page 4, line 27, replace "computed as a percentage" with "three and one-half percent"

Page 4, line 28, replace "at the following rates:" with an underscored period

Page 4, remove lines 29 and 30

Page 5, remove lines 1 through 6

Page 5, line 7, remove "5."

Page 9, remove lines 5 through 30

Page 10, remove lines 1 through 18

Page 10, line 30, replace "a class B" with "an infraction."

Page 10, replace line 31 with:

"SECTION 13. REPEAL. Section 57-36-25.1 of the North Dakota Century Code is repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1434: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1434 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "in or affecting interstate commerce"

Page 1, line 15, remove "in writing"

Page 1, line 16, replace "person" with "individual"

Page 1, line 18, replace "Wants" with "Has selected an option on the statement as to whether the individual wants"

Page 2, line 3, after "3." insert "Before mailing or shipping the product, the person provides to the prospective purchaser, by electronic mail or other means, a notice that meets the requirements of section 4 of this Act.

4."

Page 2, line 6, replace "4." with "5."

Page 2, line 20, replace "5." with "6."

Page 2, line 25, replace "persons" with "Persons"

Page 2, after line 26, insert:

"SECTION 4. Disclosure requirements. The notice required under subsection 3 of section 1 of this Act must include:

1. A prominent and clearly legible statement that cigarette sales to consumers below the legal minimum age are illegal;
2. A prominent and clearly legible statement that consists of one of the warnings set forth in section 4(a)(1) of the Federal Cigarette Labeling and Advertising Act [15 U.S.C. 1333(a)(1)] rotated on a quarterly basis;
3. A prominent and clearly legible statement that sales of cigarettes are restricted to those consumers who provide verifiable proof of age in accordance with section 1 of this Act; and
4. A prominent and clearly legible statement that cigarette sales are subject to tax under sections 57-36-06 and 57-36-32, and an explanation of how the tax has been, or is to be, paid with respect to the delivery sale."

Page 2, line 29, replace "attorney general" with "tax commissioner"

Page 3, line 8, replace "making a" with "receiving", replace "sale" with "of any tobacco product", and remove "collect and"

Page 3, line 9, replace "levied by the state" with "due under chapter 57-36" and replace "sale pursuant to" with ". This section does not apply if the"

Page 3, remove line 10

Page 3, line 12, replace the second "the" with "this" and after "state" insert "or another state"

Page 3, line 18, remove ", or who knowingly and"

Page 3, remove line 19

Page 3, line 20, remove "this Act in another person's name,"

Page 3, line 21, after "3." insert "Any individual who knowingly and falsely submits a certification under subdivision a of subsection 5 of section 1 of this Act in another individual's name is guilty of a noncriminal offense and is subject to the penalty provided under subsection 1.

4."

Page 3, line 24, replace "4." with "5."

Page 3, line 26, after the boldfaced period insert "**Enforcement.**"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1440: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1440 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1469: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1469 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 50-24.1 of the North Dakota Century Code, relating to eligibility for medical assistance; and" and replace "50-24.1-02.4" with "50-24.1-02.5"

Page 1, line 4, replace "50-24.1-02.4" with "50-24.1-02.5"

Page 1, replace lines 6 through 24 with:

"50-24.1-02.5. Effect of purchase of insurance on disqualifying transfer.

1. An individual who secures and maintains insurance that covers the cost of substantially all necessary medical care, including necessary care in a nursing home and necessary care for an individual who qualifies for admission to a nursing home but receives care elsewhere, for at least thirty-six months after the date an asset is disposed of, may demonstrate that the asset was disposed of exclusively for a purpose other than to qualify for medical assistance by providing proof of that insurance.
2. If purchased after July 31, 2003, the insurance coverage under this section must include home health care coverage, assisted living coverage, basic care coverage, and skilled nursing facility coverage. The coverage required under this subsection must include a daily benefit equal to at least one and fifty-seven hundredths times the average daily cost of nursing care for the year in which the policy was issued and an aggregate benefit equal to at least one thousand ninety-five times that daily benefit.

SECTION 2. A new section to chapter 50-24.1 of the North Dakota Century Code is created and enacted as follows:

Department to submit plans and seek waivers.

1. Unless a waiver under subsection 2 is required, the department of human services shall submit amendments to the state plan for medical assistance to provide for a sixty-month look-back period for assignments or transfers of property which disqualify the applicant or the applicant's spouse from the receipt of long-term care services, and which apply any period of disqualification beginning the first month during which the disqualified individual would otherwise be found eligible for the services under medical assistance.
2. If the state plan amendment provided for in subsection 1 is or will be denied, the department of human services shall seek a waiver of federal law to provide for a sixty-month look-back period for assignments or transfers of property which disqualify the applicant or the applicant's

spouse from the receipt of long-term care services, and which apply any period of disqualification beginning the first month during which the disqualified individual would otherwise be found eligible for the services under medical assistance.

3. Unless the amendment to the state plan or the request for waiver would otherwise be denied, the requirements of this section apply only to transfers that occur on or after the effective date of the state plan amendment or waiver."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1477: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1477 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "; and to amend and reenact section" with a period

Page 1, remove line 3

Page 1, remove the underscore under lines 7 through 23

Page 1, line 24, remove the underscore under "[Pub. L. 106-102; 113 Stat. 1437; 15 U.S.C. 6802(b)(2)]." and insert immediately thereafter "However, a customer's consent is not required under this subdivision if the information is disclosed to the extent specifically permitted or required to:

- (1) Comply with federal or state laws, rules, or guidelines for the sole purpose of compliance with requirements relating to the sale or recommendation of nondeposit investment products in a financial institution;
- (2) Comply with a properly authorized civil, criminal, or regulatory investigation, subpoena, or summons by federal, state, or local authorities; or
- (3) Respond to judicial process or governmental regulatory authorities with jurisdiction for examination, compliance, or other purposes."

Page 2, remove the underscore under line 1

Page 2, remove lines 2 through 27

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1500: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1500 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 43-05-03, 43-05-10, 43-05-14, 43-05-15, and 43-05-16.8 of the North Dakota Century Code, relating to the membership of the board of podiatric medicine and licensure fees; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-05-03 of the North Dakota Century Code is amended and reenacted as follows:

43-05-03. Board of podiatric medicine - Appointment of members - Term of office - Qualifications - Vacancies - Duties - Quorum - Records. The board of podiatric medicine consists of ~~six~~ five persons appointed by the governor for a term of four years each with the terms of office so arranged that no more than two terms expire

on the thirteenth day of June of any year. A member of the board may not serve for more than two successive terms. A member may not be reappointed to the board after serving two successive terms unless at least two years have elapsed since the member last served on the board. ~~Four~~ Three members of the board must hold doctor of podiatric medicine degrees and must have practiced podiatric medicine in this state for at least two years before their appointment, one member must be a doctor of medicine who holds a doctor of medicine degree and has practiced in this state for at least two years before the appointment, and one member, who is designated as a public member, must be a resident of this state, be at least twenty-one years of age, and may not be affiliated with any group or profession that provides or regulates health care in any form.

A member of the board shall qualify by taking the oath of office required of civil officers and shall hold office until a successor is appointed and qualified. The governor shall fill any vacancy by appointment for the unexpired term. The board may employ and compensate attorneys, investigative staff, clerical assistants, or others to assist in the performance of the duties of the board.

A majority of the board constitutes a quorum to transact business, make any determination, or take any action. The board shall keep a record of its proceedings and of applications for licenses. Applications and records must be preserved for at least six years beyond the disposition of the application or record or the last annual registration of the licensee, whichever is longer.

SECTION 2. AMENDMENT. Section 43-05-10 of the North Dakota Century Code is amended and reenacted as follows:

43-05-10. Application - Examination fee. To obtain a license to practice podiatric medicine, a person shall submit an application and any other documentation required by the board to the board in the manner prescribed by the board. The applicant shall submit evidence that the applicant has the required qualifications and shall pay to the board a fee of not more than ~~five hundred one thousand~~ one thousand dollars.

SECTION 3. AMENDMENT. Section 43-05-14 of the North Dakota Century Code is amended and reenacted as follows:

43-05-14. When license issued without examination. The board may issue a license without examination to a podiatrist of another state or Canadian province if:

1. The other state or Canadian province grants like privileges to podiatrists of this state;
2. The other state or Canadian province maintains equal statutory requirements for practicing podiatric medicine;
3. The applicant pays a fee of not more than ~~five hundred one thousand~~ one thousand dollars as determined by the board;
4. The applicant has been engaged legally in the active practice of podiatric medicine for at least two years immediately preceding the date of application;
5. The applicant presents satisfactory evidence to the board indicating the current status of a license to practice podiatric medicine which has been issued by the proper agency in another state or Canadian province;
6. The applicant has not had a license suspended or revoked, or has not engaged in conduct warranting or which would have warranted disciplinary action against a licensee if the conduct was committed in this state or elsewhere, or has not been subjected to disciplinary action in another state or Canadian province. If an applicant does not satisfy the requirements of this subsection, the board shall refuse to issue a license unless the board determines that the public will be protected through issuance of a license with conditions or limitations considered appropriate by the board; and
7. The applicant submits with the application the following information for the five-year period before the date of filing the application:
 - a. The name and address of the applicant's professional liability insurance carrier in the other state or Canadian province; and

- b. The number, date, and disposition of any podiatric medical malpractice settlement or award made to the plaintiff relating to the quality of podiatric medical treatment.

SECTION 4. AMENDMENT. Section 43-05-15 of the North Dakota Century Code is amended and reenacted as follows:

43-05-15. Renewal of license - Fee - Established by board - Failure to pay - Reinstatement. Each licensed and practicing podiatrist shall pay the annual renewal license fee established by the board. The license fee may be increased in accordance with the number of years licensed and practicing in North Dakota, but may not exceed ~~five hundred~~ one thousand dollars. The fee must be paid on or before the renewal date established by the board. The person is entitled to an annual certificate or license upon payment of the fee. If the renewal fee is not paid within six months after the date established by the board, the license of the delinquent licensee must be revoked and may not be reissued except upon a new application and the payment of the renewal fee established by the board plus twenty-five dollars and the costs of any hearing held concerning revocation of a license for nonpayment.

SECTION 5. AMENDMENT. Section 43-05-16.8 of the North Dakota Century Code is amended and reenacted as follows:

43-05-16.8. Loan for litigation expenses. Subject to approval by the emergency commission, the board may borrow funds sufficient to pay for attorney's fees and costs incurred in investigations, administrative proceedings, and litigation resulting from the board performing its duties. ~~Notwithstanding section 43-05-15, the~~ The board may establish an annual renewal license fee for each year following the issuance of a loan under this section, and the fee must be maintained until the loan is fully repaid, including any accrued interest. ~~The amount of the annual renewal license fee assessed under this section may not exceed one thousand dollars.~~ Once the loan is paid in full, the annual renewal license fee must revert to the amount established by the board before the issuance of the loan. The notice of a proposed rule to assess the fee in this section or revert to the previous license fee may be sent by certified mail to each individual licensed by the board in lieu of the publication requirements for the notice in chapter 28-32.

SECTION 6. EFFECTIVE DATE. This Act becomes effective June 13, 2003, and sections 2 through 5 of this Act apply to all applications and renewals beginning with the 2004 licensure year.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1501: Natural Resources Committee (Rep. Nelson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1501 was placed on the Sixth order on the calendar.

Page 1, line 7, remove the overstrike over "~~upon the premises of another,~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3015: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, NAYS, ABSENT AND NOT VOTING). HCR 3015 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3019: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3019 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3033: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS,

0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3033 was placed on the Tenth order on the calendar.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, February 14, 2003, which motion prevailed.

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

BRADLEY C. FAY, Chief Clerk

