

**JOURNAL OF THE HOUSE**

**Fifty-ninth Legislative Assembly**

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**Bismarck, March 8, 2005**

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

The prayer was offered by Sister Anna Rose Ruhland, St. Vincent's Care Center, Bismarck

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

A quorum was declared by the Speaker.

**CORRECTION AND REVISION OF THE JOURNAL**

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

On page 873, after line 9 insert: "Page 1, line 14, remove the overstrike over "~~shall~~" and remove "may"

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

**CORRECTION AND REVISION OF THE JOURNAL**

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

Page 899, after line 4, insert the following:

**"DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for Approval on March 4, 2005:  
 HB 1037, HB 1053, HB 1059, HB 1077, HB 1079, HB 1082, HB 1085, HB 1087,  
 HB 1088, HB 1090, HB 1114, HB 1132, HB 1133, HB 1146, HB 1147, HB 1150,  
 HB 1158, HB 1160, HB 1192, HB 1212, HB 1219, HB 1226, HB 1228, HB 1267,  
 HB 1436.

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

**MOTION**

**REP. MONSON MOVED** that SB 2212 be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, SB 2212 was rereferred.

**MOTION**

**REP. MONSON MOVED** that SB 2395 be returned to the House floor from the **Appropriations Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 7, 2005, I have signed the following: HB 1066, HB 1068, HB 1081, HB 1083, HB 1084, HB 1093, HB 1100, HB 1102, HB 1117, HB 1128, HB 1137, HB 1162, HB 1180, HB 1237, HB 1264, HB 1355, and HB 1412.

**SIXTH ORDER OF BUSINESS**

**SPEAKER KLEIN DEEMED** approval of SB 2094 SB 2174, SB 2194, SB 2211, SB 2220, SB 2231, SB 2293, SB 2294, SB 2338 and SB 2340.

SB 2094, SB 2174, SB 2194, SB 2211, SB 2220, SB 2231, SB 2293, SB 2294, SB 2338 and SB 2340, as amended, were placed on the Fourteenth order of business on the calendar.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3035:** A concurrent resolution for the amendment of section 25 of article XI of the Constitution of North Dakota, relating to internet live poker.

**ROLL CALL**

The question being on the final passage of the amended resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 50 YEAS, 44 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Berg; Bernstein; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Delmore; Dietrich; Dosch; Drovdal; Froelich; Froseth; Grande; Hawken; Headland; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsh, S.; Kempenich; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Meyer, S.; Monson; Nelson; Nicholas; Norland; Nottestad; Owens; Porter; Sandvig; Svedjan; Thoreson; Timm; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser

**NAYS:** Aarsvold; Bellew; Belter; Boe; Boucher; Conrad; Damschen; DeKrey; Delzer; Devlin; Ekstrom; Galvin; Glassheim; Gulleston; Haas; Hanson; Herbel; Hunskor; Kaldor; Keiser; Kelsch, R.; Kerzman; Kingsbury; Klemin; Koppelman; Kroeber; Metcalf; Mueller; Onstad; Pietsch; Pollert; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Thorpe; Uglem; Vigesaa; Weisz; Speaker Klein

Engrossed HCR 3035 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2277:** A BILL for an Act to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to limitations on regulation of seed by political subdivisions.

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

**YEAS:** Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Grande; Haas; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Monson; Nelson; Nicholas; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Boucher; Conrad; Ekstrom; Froelich; Glassheim; Gulleston; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Wall; Zaiser

SB 2277 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2191:** A BILL for an Act to create and enact sections 51-07-02.1, 51-07-02.2, and 51-07-02.3 of the North Dakota Century Code, relating to contractual relationships between automobile and truck wholesalers and retailers; to amend and reenact section 51-07-01.1 of the North Dakota Century Code, relating to the termination of a contractual relationship between automobile and truck wholesalers and retailers; and to provide for application.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt;

Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Boucher; Damschen

Engrossed SB 2191 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2024:** A BILL for an Act to create and enact a new section to chapter 11-18 of the North Dakota Century Code, relating to county recorder reports to the legislative council regarding use of document preservation funds; to amend and reenact sections 11-18-05 and 11-18-22 of the North Dakota Century Code, relating to the expiration of the document preservation fund; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottstad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Boucher

SB 2024, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2129:** A BILL for an Act to amend and reenact section 37-14-07 of the North Dakota Century Code, relating to collecting fees on loans from the veterans' aid fund.

**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; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottstad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Boucher

Engrossed SB 2129 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2388:** A BILL for an Act to create and enact a new subsection to section 43-42-05 and a new section to chapter 43-51 of the North Dakota Century Code, relating to reciprocity

for the practice of respiratory therapy and for foreign practitioners in emergency situations.

#### ROLL CALL

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

SB 2388 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2077:** A BILL for an Act to amend and reenact subsection 2 of section 15-62.2-02 of the North Dakota Century Code, relating to the maximum amount for student financial assistance program grants; and to provide for a study of state education grants.

#### 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

Engrossed SB 2077 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2226:** A BILL for an Act to amend and reenact section 15.1-09-33 of the North Dakota Century Code, relating to the power of school boards to lease property and dismiss certain personnel.

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

**YEAS:** Belter; Berg; Bernstein; Boe; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Glassheim; Grande; Haas; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Meyer, S.; Monson; Nelson; Nicholas; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Bellew; Boucher; Conrad; Ekstrom; Froelich; Gullerson; Hanson; Hunskor; Kaldor; Kerzman; Kroeber; Metcalf; Mueller; Onstad; Schmidt; Solberg; Thorpe; Vigesaa; Wall; Williams; Zaiser

SB 2226 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2116:** A BILL for an Act to create and enact section 10-15-01.1, a new subsection to section 10-15-36, a new subsection to section 10-15-54, and section 10-15-62 of the North Dakota Century Code, relating to legal recognition of electronic records and electronic signatures, exempting some information from open records laws, and fees for filing documents with the secretary of state; and to amend and reenact section 10-15-01 and subsection 1 of section 10-15-29 of the North Dakota Century Code, relating to definitions and officers of cooperative associations.

### 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

Engrossed SB 2116 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2130:** A BILL for an Act to amend and reenact sections 6-09-02.1, 54-17-03, 54-17.5-02, and 54-17.6-05 of the North Dakota Century Code, relating to the industrial commission's authority to set the compensation for various advisory boards.

### ROLL CALL

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Froelich

Engrossed SB 2130 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2151:** A BILL for an Act to create and enact two new sections to chapter 37-17.1 of the North Dakota Century Code, relating to intrastate mutual aid by emergency response units; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

Engrossed SB 2151 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2390:** A BILL for an Act to provide for a legislative council study of city and county development impact fees.

**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 90 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Dietrich; Koppelman; Wieland

**ABSENT AND NOT VOTING:** Boucher

Engrossed SB 2390 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2175:** A BILL for an Act to amend and reenact section 6-03-05 of the North Dakota Century Code, relating to real estate appraisal requirements for real estate loans by banks.

**ROLL CALL**

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Weisz

SB 2175 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2263:** A BILL for an Act to amend and reenact section 6-06-07 of the North Dakota Century Code, relating to the field of membership of state-chartered credit unions.

**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 73 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Devlin; Dietrich; Dosch; Ekstrom; Froseth; Galvin; Grande; Haas; Hawken; Headland; Herbel; Horter; Iverson; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Meier, L.; Monson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Amerman; Bellew; Damschen; Delzer; Drovdal; Froelich; Glassheim; Guleson; Hanson; Hunskor; Johnson, D.; Kerzman; Metcalf; Meyer, S.; Mueller; Nelson; Schmidt; Solberg; Thorpe

**ABSENT AND NOT VOTING:** Kretschmar; Weisz

SB 2263 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2347:** A BILL for an Act to amend and reenact section 26.1-01-07.4 of the North Dakota Century Code, relating to cooperative agreements for group health care coverage.

**ROLL CALL**

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Weisz

SB 2347 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2172:** A BILL for an Act to create and enact a new subdivision to subsection 18 of section 52-01-01 of the North Dakota Century Code, relating to exempting service in Americorps as covered employment for unemployment insurance purposes; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 78 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Conrad; Delmore; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Zaiser; Speaker Klein

**NAYS:** Amerman; Bellew; Clark; Damschen; DeKrey; Delzer; Froelich; Kasper; Keiser; Monson; Porter; Ruby; Sitte; Timm; Wrangham

**ABSENT AND NOT VOTING:** Weisz

Engrossed SB 2172 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2234:** A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to the dispensing of alcoholic beverages on certain days.

**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, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Delzer; Dietrich; Drovdal; Ekstrom; Froelich; Galvin; Glassheim; Grande; Haas; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meyer, S.; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Skarphol; Solberg; Svedjan; Thoreson; Timm; Uglem; Wald; Wall; Weiler; Williams; Wrangham; Zaiser

**NAYS:** Aarsvold; Bellew; Belter; Damschen; Devlin; Dosch; Froseth; Gulleson; Hanson; Hunskor; Koppelman; Meier, L.; Metcalf; Monson; Mueller; Pollert; Price; Sitte; Thorpe; Vigesaa; Wieland; Speaker Klein

**ABSENT AND NOT VOTING:** Weisz

SB 2234 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2305:** A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to immunity for altered liquified petroleum gas equipment or appliances.

**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 27 YEAS, 67 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Boehning; Brusegaard; Clark; Delzer; Devlin; Dosch; Drovdal; Froelich; Hawken; Hunskor; Iverson; Johnson, N.; Kasper; Kempenich; Koppelman; Meier, L.; Nelson; Potter; Rennerfeldt; Sitte; Skarphol; Thoreson; Timm; Wald; Wall; Wieland

**NAYS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boucher; Brandenburg; Carlisle; Carlson; Charging; Conrad; Damschen; DeKrey; Delmore; Dietrich; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Headland; Herbel; Horter;



Johnson, D.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Price; Ruby; Sandvig; Schmidt; Solberg; Svedjan; Thorpe; Uglem; Vigesaa; Weiler; Weisz; Williams; Wrangham; Zaiser; Speaker Klein

Engrossed SB 2305 lost.

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#### SECOND READING OF SENATE BILL

**SB 2379:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to separation of bundled telecommunications services to identify services exempt from sales and use taxes; 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 PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

SB 2379 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2391:** A BILL for an Act to create and enact a new section to chapter 57-38, a new subdivision to subsection 1 of section 57-38-01.2, a new subdivision to subsection 2 of section 57-38-30.3, and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for individuals for planned gifts to qualified North Dakota nonprofit organizations; 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 PASS, the roll was called and there were 86 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleson; Hanson; Hawken; Headland; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Klein

**NAYS:** Brandenburg; Delzer; Dietrich; Froelich; Haas; Herbel; Keiser; Wrangham

Engrossed SB 2391 passed and the title was agreed to.

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#### MOTION

**REP. BERG MOVED** that HCR 3044 and HCR 3052 be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTIONS  
AND SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR**

- HCR 3041:** A concurrent resolution directing the Legislative Council to study the interim study process, including the method by which topics are selected for study by the Legislative Council.
- HCR 3042:** A concurrent resolution directing the Legislative Council to study the laws of this state and other states as they relate to the unauthorized acquisition, theft, and misuse of personal indentifying information belonging to another individual.
- HCR 3046:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing early childhood education programs.
- HCR 3047:** A concurrent resolution directing the Legislative Council to study sentencing alternatives with an emphasis on the expanded use of rehabilitation over incarceration, the provision of more treatment options, and the adequate funding of treatment programs.
- HCR 3050:** A concurrent resolution directing the Legislative Council to study data regarding colorectal cancer screening, current methods of public education, access to regular cancer screening, and to consider options for increasing screening accuracy.
- HCR 3051:** A concurrent resolution directing the Legislative Council to study ways in which state agencies can join with health care professionals, school districts, schools, and parents to promote understanding regarding the interplay of health and educational success and to improve the health and well-being of elementary and high school students in this state.
- HCR 3053:** A concurrent resolution directing the Legislative Council to study the role of the state in reviewing and approving various postsecondary skill development programs.
- HCR 3054:** A concurrent resolution directing the Legislative Council to study state programs providing services to children with special health care needs to determine whether the programs are effective in meeting these special health care needs, whether there are gaps in the state's system for providing services to children with special health care needs, and whether there are significant unmet special health care needs of children which should be addressed.
- SCR 4001:** A concurrent resolution authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.
- SCR 4003:** A concurrent resolution designating, in conjunction with the state of Minnesota, the Main Avenue bridge between Fargo, North Dakota, and Moorhead, Minnesota, as the Veterans Memorial Bridge.
- SCR 4005:** A concurrent resolution designating United States Highway 2 through the state of North Dakota as the 164th Infantry Memorial Highway.
- SCR 4009:** A concurrent resolution directing the Legislative Council to study school district and library funding sources to determine if a method can be found to provide an incentive to reduce school district and library property tax levies.
- SCR 4010:** A concurrent resolution directing the Legislative Council to study alternatives to the current method of expressing property tax levies in mills per dollar of taxable valuation.
- SCR 4011:** A concurrent resolution directing the Legislative Council to study assessment and taxation of mobile homes and similar housing alternatives with an emphasis on making assessment and taxation of those housing alternatives equitable in comparison with assessment and taxation of traditional residential housing.
- SCR 4015:** A concurrent resolution commending Maury Wills on his major league baseball career and urging the Committee on Baseball Veterans of the Baseball Hall of Fame to elect Maury Wills to the Baseball Hall of Fame.
- SCR 4027:** A concurrent resolution directing the Legislative Council to study the need for dementia-related services, standards, and practices for caregivers and review the legal and medical definitions used for dementia-related conditions and the funding for programs and services for individuals with dementias.

**SCR 4028:** A concurrent resolution urging Congress to support mandatory country of origin labeling for all agricultural commodities.

**SCR 4029:** A concurrent resolution urging Congress and the President to provide at least \$1.8 billion for Amtrak in fiscal year 2006 to sustain and improve the national intercity passenger rail system.

The question being on the final adoption of the resolutions, which have been read.

HCR 3041, HCR 3042, HCR 3046, HCR 3047, HCR 3050, HCR 3051, HCR 3053, HCR 3054, SCR 4001, SCR 4003, SCR 4005, SCR 4009, SCR 4010, SCR 4011, SCR 4015, SCR 4027, SCR 4028, and SCR 4029 were declared adopted on a voice vote, and the titles were agreed to.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR**

**SCR 4002:** A concurrent resolution directing the Legislative Council to study the State Board of Higher Education's performance and accountability measures included in the report required by North Dakota Century Code Section 15-10-14.2.

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

SCR 4002 was declared lost on a voice vote.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2039, SB 2069, SB 2071, SB 2075, SB 2098, SB 2160, SB 2225, SB 2262, SB 2322, SB 2334, SB 2339, SB 2355, SB 2367, SB 2369, SB 2403, SB 2405.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2159.

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

**MR. PRESIDENT:** The House has failed to pass: SB 2376, SB 2382.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2033, SB 2149, SB 2167, SB 2170, SB 2261.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2202, SB 2410.

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1096, HB 1145, HB 1217, HB 1253, HB 1287, HB 1288, HB 1315, HB 1474.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 8, 2005: HB 1300, HB 1340, HB 1392, HB 1396, HB 1492, HB 1519.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1067.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1399.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1070, HB 1170, HB 1220, HB 1306, HB 1341, HB 1366, HB 1395, HCR 3016.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1205, HB 1206, HB 1286.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1205**

Page 1, line 18, remove the overstrike over "~~and has attended a~~"

Page 1, remove the overstrike over lines 19 and 20

Page 1, line 21, remove the overstrike over "must", after "include" insert "be", and remove the overstrike over "~~an open book test to be given from a manual that sets forth~~"

Page 1, remove the overstrike over line 22

Page 1, line 23, remove the overstrike over "~~judicial decisions and attorney general opinions~~"

Page 2, line 1, remove the overstrike over the overstruck period

Page 2, remove the overstrike over line 9

Page 2, line 10, remove the overstrike over "license"

Page 2, line 16, remove the overstrike over "~~after the~~"

Page 2, remove the overstrike over line 17

Page 2, line 18, remove the overstrike over "~~and in such case the application must be processed within thirty days after its~~" and remove "of"

Page 3, line 21, remove the overstrike over "The" and remove "Except for rules relating to concealed weapon license testing, the"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1206**

Page 1, line 2, after "denials" insert "; and to amend and reenact section 50-24.1-15 of the North Dakota Century Code, relating to prehospital emergency medical services"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 50-24.1-15 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.1-15. Prehospital emergency medical services.** Medical assistance coverage must include prehospital emergency medical services benefits in the case of a medical condition that manifests itself by symptoms of sufficient severity which may include severe pain and which a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of medical attention to result in placing the person's health in jeopardy, serious impairment of a bodily function, or serious dysfunction of any body part. A medical assistance claim that meets the prudent layperson standard of this section may not be denied by the department on the basis that the prehospital emergency medical services were not medically necessary or that a medical emergency did not exist."

Page 1, underscore lines 6 through 23

Page 2, underscore lines 1 through 7

Page 2, line 8, underscore "receipt of the notice of request for review." and insert immediately thereafter "The department's final decision must conform to the requirements of section 28-32-39." and underscore "A provider may appeal the final decision"

Page 2, line 9, underscore "of the department to the district court in the manner provided in section 28-32-42" and insert immediately thereafter ", and the district court shall review the department's final decision in the manner provided in section 28-32-46" and underscore the period

Page 2, underscore lines 10 through 21

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1286**

Page 3, line 9, replace "fifteen cents per impression" with "one dollar for every four impressions or fraction thereof"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1346.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1346**

Page 1, line 2, remove "and" and after "penalty" insert "; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 8, overstrike "nonliquid"

Page 1, line 18, after "shall" insert "require, obtain, and make a written record of the identification of the person purchasing the methamphetamine precursor drug, the identification being a document issued by a government agency as described in subdivisions a and b of subsection 5, and shall"

Page 1, line 24, after the underscored semicolon insert "or"

Page 2, remove lines 1 and 2

Page 2, line 3, replace "d." with "c."

Page 2, line 4, replace "; or" with an underscored period

Page 2, remove lines 5 through 8

Page 3, after line 22, insert:

**"SECTION 2. EFFECTIVE DATE.** This Act becomes effective on June 1, 2005.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2007, and after that date is ineffective.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2062, SB 2064, SB 2065, SB 2066, SB 2109, SB 2155, SB 2166, SB 2180, SB 2189, SB 2199, SB 2210.

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

**MR. SPEAKER:** The President has signed: HB 1075, HB 1107, HB 1122, HB 1123, HB 1125, HB 1144, HB 1182, HB 1199, HB 1223, HB 1358, HB 1389, HB 1491, HB 1498.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Thirteenth, and Fourteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, March 9, 2005, which motion prevailed.

**FIRST READING OF HOUSE BILL**

Reps. Berg, Brusegaard, Klein, Price and Sens. Christmann, Flakoll introduced:  
(Approved by the Delayed Bills Committee)

**HB 1529:** A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to higher education savings accounts; to amend and reenact section 54-27-25 of the North Dakota Century Code, relating to the tobacco settlement trust fund; to provide an appropriation; to provide an expiration date; and to declare an emergency.

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

**REPORT OF STANDING COMMITTEE**

**SB 2036: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (15 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). SB 2036 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2042, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2042 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2076: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2076 was placed on the Sixth order on the calendar.

Page 1, line 23, replace "and" with "or"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2117: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2117 was placed on the Sixth order on the calendar.

Page 1, line 1, after the second comma insert "14-02.4-19,"

Page 5, line 1, replace ", or" with ". If a public accommodation can demonstrate that barrier removal is not readily achievable, the public accommodation"

Page 5, after line 3, insert:

**"SECTION 3. AMENDMENT.** Section 14-02.4-19 of the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-19. Actions - Limitations.**

1. Any person claiming to be aggrieved by a discriminatory practice with regard to public services or public accommodations in violation of this chapter may file a complaint of discriminatory practices with the department or may bring an action in the district court in the judicial district in which the unlawful practice is alleged to have been committed or in the district in which the person would have obtained public accommodations or services were it not for the alleged discriminatory act within one hundred eighty days of the alleged act of wrongdoing.
2. Any person claiming to be aggrieved by any discriminatory practice other than public services or public accommodations in violation of this chapter may file a complaint of discriminatory practice with the department or may bring an action in the district court in the judicial district in which the unlawful practice is alleged to have been committed, in the district in which the records relevant to the practice are maintained and administered, or in the district in which the person would have worked or obtained credit were it not for the alleged discriminatory act within three hundred days of the alleged act of wrongdoing.
3. If a complaint of a discriminatory practice is first filed with the department, the period of limitation for bringing an action in the district court is ninety days from the date the department dismisses the complaint or issues a written notice to the complainant that administrative action on the complaint has concluded probable cause determination.
4. If a person elects to bring an action in the district court under this chapter, any pending administrative action based upon the same discriminatory acts must be dismissed immediately.

Page 5, line 30, after "occurred" insert "with regard to one or more of the claims of the aggrieved person's complaint" and after "dismiss" insert "all or a portion of"

Page 6, line 3, after "shall" insert "issue a probable cause determination and"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2120: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2120 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "a"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2187: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2187 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 26.1-27-02.1 and" with "section"

Page 1, line 2, remove "the definition of home state and"

Page 1, remove lines 9 through 16

Page 2, line 21, replace "Home state bond" with "Bond"

Page 2, line 22, replace "its home state or any other" with "this"

Page 2, line 23, remove "home state" and remove "and the insurance regulatory"

Page 2, remove line 24

Page 2, line 25, replace "and cover" with "for covered"

Page 2, line 29, replace "self-funded" with "administered"

Page 2, line 30, replace "the administrator's home" with "this" and remove "and all additional states in which the"

Page 2, line 31, remove "administrator is authorized to conduct business"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2219, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2219 was placed on the Sixth order on the calendar.

Page 1, line 12, after "to" insert "a court order or"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2221: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (18 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). SB 2221 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2248, as reengrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2248 was placed on the Sixth order on the calendar.

Page 6, line 2, remove "applicant for a license, certificate, or registration in a"

Page 6, line 3, remove "health-related field or other"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2251, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2251 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact chapter 51-30 of the North Dakota Century Code, relating to requiring disclosure to consumers of a breach in security by businesses maintaining personal information in electronic form;"

Page 1, line 4, remove "and" and after "penalty" insert "; and to declare an emergency"

Page 1, line 15, overstrike "39-04-14" and insert immediately thereafter "39-06-14"

Page 1, line 24, after "individual" insert ", living or deceased,"

Page 2, after line 27, insert:

**"SECTION 3.** Chapter 51-30 of the North Dakota Century Code is created and enacted as follows:

51-30-01. Definitions.In this chapter, unless the context or subject matter otherwise requires:

1. "Breach of the security system" means unauthorized acquisition of computerized data which compromises the security, confidentiality, or integrity of personal information maintained by a person. Good-faith acquisition of personal information for the purposes of the person maintaining the information by an employee or agent of the person is not a breach of the security of the system, provided that the personal information is not used or subject to further disclosure.
2. a. "Personal information" means an individual's first name or first initial and last name in combination with any of the following data elements, when either the name or the data elements are not encrypted:
  - (1) The individual's social security number;
  - (2) The operator's license number assigned to an individual by the department of transportation under section 39-06-14;
  - (3) A nondriver color photo identification card number assigned to the individual by the department of transportation under section 39-06-03.1;
  - (4) The individual's financial institution account number, credit card number, or debit card number;
  - (5) The individual's date of birth;
  - (6) The maiden name of the individual's mother; or
  - (7) An identification number assigned to the individual by the individual's employer.
- b. "Personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

51-30-02. Notice to consumers. Any person that conducts business in North Dakota, and that owns or licenses computerized data that includes personal information, shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of the state whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate



needs of law enforcement, as provided in section 51-30-04, or any measures necessary to determine the scope of the breach and to restore the integrity of the data system.

51-30-03. Notice to owner or licensee of personal information. Any person that maintains computerized data that includes personal information that the person does not own shall notify the owner or licensee of the information of the breach of the security of the data immediately following the discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

51-30-04. Delayed notice. The notification required by this chapter may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification required by this chapter must be made after the law enforcement agency determines that the notification will not compromise the investigation.

51-30-05. Method of notice. Notice under this chapter may be provided by one of the following methods:

1. Written notice;
2. Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in section 7001 of the United States Code; or
3. Substitute notice, if the person demonstrates that the cost of providing notice would exceed two hundred fifty thousand dollars, or that the affected class of subject persons to be notified exceeds five hundred thousand, or the person does not have sufficient contact information. Substitute notice includes:
  - a. E-mail notice;
  - b. Conspicuous posting of the notice on the person's web site page; or
  - c. Notification to major statewide media.

51-30-06. Alternate compliance. Notwithstanding section 51-30-05, a person that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of section 51-30-05, is deemed to be in compliance with the notification requirements of this chapter if the person notifies subject individuals in accordance with its policies in the event of a breach of security of the system.

51-30-07. Enforcement - Powers - Remedies - Penalties. The attorney general may enforce this chapter. The attorney general, in enforcing this chapter, has all the powers provided in chapter 51-15 and may seek all the remedies in chapter 51-15. A violation of this chapter is deemed a violation of chapter 51-15. The remedies, duties, prohibitions, and penalties of this chapter are not exclusive and are in addition to all other causes of action, remedies, and penalties under chapter 51-15, or otherwise provided by law.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2257, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2257 was placed on the Tenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2273: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2273 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2404, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2404 was placed on the Fourteenth order on the calendar.

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

**Bradley C. Fay, Chief Clerk**