

**JOURNAL OF THE HOUSE**

**Fifty-seventh Legislative Assembly**

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**Bismarck, February 8, 2001**

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

The prayer was offered by Pastor Dom Vetter, Word of Faith Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

**SIXTH ORDER OF BUSINESS**

**REP. BELTER MOVED** that the amendments on the Sixth order of business to HB 1089 HB 1170, HB 1181, HB 1193, HB 1223, HB 1237, HB 1284, HB 1304, HB 1388, HB 1395, HB 1448, and HB 1452 be adopted, which motion prevailed.

HB 1089 HB 1170, HB 1181, HB 1193, HB 1223, HB 1237, HB 1284, HB 1304, HB 1388, HB 1395, HB 1448, and HB 1452, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. BELTER MOVED** that HB 1163 be laid over one legislative day, and HB 1187 be laid over one legislative day, which motion prevailed.

**MOTION**

**REP. BELTER MOVED** that we suspend the Rule 329(4) and require rereferral of bills to the Appropriations Committee by the twenty-sixth day, rather than the twenty-third, which motion prevailed.

**MOTION**

**REP. CARLSON MOVED** that HB 1382, which is on the Eleventh order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Carlson's motion, HB 1382 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1221:** A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 57-39.2-04.2 and subdivision b of subsection 1 of section 57-40.2-04.2 of the North Dakota Century Code, relating to sales and use tax exemptions for certain wind-powered electrical generating facilities; to provide an effective date; and to declare an emergency.

**ROLL CALL**

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

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

Engrossed HB 1221 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1222:** A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to reduction in taxable valuation of wind turbine electric generators that are centrally assessed property; to amend and reenact section 57-02-27 of the North Dakota Century Code, relating to determination of taxable valuation of property; and to provide an effective date.

**ROLL CALL**

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

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

**NAYS:** Brusegaard

Engrossed HB 1222 passed and the title was agreed to.

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**MOTION**

**REP. BELTER MOVED** that HB 1223 be placed at the top of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1223:** A BILL for an Act to amend and reenact section 57-38-01.8 of the North Dakota Century Code, relating to application of the income tax credit for geothermal, solar, or wind energy 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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1223, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1231:** A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to voting on property tax measures by property owners who are not residents of the taxing district.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 30 YEAS, 68 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Brekke; Brusegaard; DeKrey; Delzer; Dosch; Drovdal; Froelich; Galvin; Grosz; Gunter; Kasper; Kempenich; Kerzman; Klein, F.; Koppelman; Lemieux; Maragos; Meier; Pollert; Porter; Price; Rennerfeldt; Skarphol; Thoreson, L.; Thorpe; Timm; Wald; Weisz

**NAYS:** Aarsvold; Berg; Boehm; Boucher; Brandenburg; Byerly; Carlisle; Carlson; Clark; Cleary; Delmore; Devlin; Disrud; Eckre; Ekstrom; Fairfield; Froseth; Glassheim; Grande; Grumbo; Gulleson; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Kretschmar; Kroeber; Lloyd; Mahoney; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Renner; Ruby; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Tieman; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed HB 1231 lost.

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### SECOND READING OF HOUSE BILL

**HB 1069:** A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to restrictions on guides and outfitters; and to amend and reenact subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the director of the game and fish department.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 25 YEAS, 73 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Boucher; Brekke; Carlisle; Carlson; Clark; Cleary; Dosch; Glassheim; Grande; Hawken; Kasper; Kelsch, R.; Kretschmar; Lemieux; Meier; Porter; Price; Skarphol; Thoreson, B.; Wald; Weiler; Wentz; Winrich; Wrangham

**NAYS:** Aarsvold; Belter; Berg; Boehm; Brandenburg; Brusegaard; Byerly; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weisz; Wikenheiser; Speaker Bernstein

Engrossed HB 1069 lost.

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### SECOND READING OF HOUSE BILL

**HB 1126:** A BILL for an Act to create and enact section 43-10.1-03.1 of the North Dakota Century Code, relating to pre-need funeral contracts; to amend and reenact sections 43-10.1-01, 43-10.1-03, 43-10.1-04, 43-10.1-05, and 43-10.1-07.1 of the North Dakota Century Code, relating to pre-need funeral contracts; and to repeal section 23-06-03.1 of the North Dakota Century Code, relating to pre-need funeral contracts.

### ROLL CALL

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

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

Engrossed HB 1126 passed and the title was agreed to.

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#### MOTION

**REP. BELTER MOVED** that HCR 3006 be placed at the top of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3006:** A concurrent resolution for the amendment of section 25 of article XI of the Constitution of North Dakota, relating to participation by the state of North Dakota in a multistate lottery.

#### 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 31 YEAS, 67 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Clark; Delmore; Eckre; Ekstrom; Grumbo; Hanson; Hawken; Huether; Jensen; Johnson, D.; Kelsh, S.; Klein, F.; Kliniske; Koppang; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Monson; Nelson; Nottestad; Onstad; Sandvig; Schmidt; Severson; Thoreson, L.; Timm; Weiler; Winrich

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Cleary; DeKrey; Delzer; Devlin; Disrud; Dosch; Drovdal; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Gunter; Haas; Herbel; Hunskor; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Lloyd; Meier; Metcalf; Mueller; Nicholas; Niemeier; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Wald; Warner; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

HCR 3006 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1137:** A BILL for an Act to amend and reenact sections 26.1-08-06 and 26.1-08-06.1 of the North Dakota Century Code, relating to minimum benefits and medicare supplement plans of a qualified comprehensive health plan.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Nicholas

HB 1137 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1205:** A BILL for an Act to amend and reenact section 54-03-22 of the North Dakota Century Code, relating to the continuance of civil proceedings when a party, witness, or attorney is a member of the legislative assembly.

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

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

HB 1205 passed and the title was agreed to.

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**MOTION**

**REP. DEKREY MOVED** that SB 2230 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. DeKrey's motion, SB 2230 was rereferred.

**MOTION**

**REP. BELTER MOVED** that HB 1218, HB 1251, HB 1316, and HB 1405 be placed at the bottom of the calendar, which motion prevailed.

**REQUEST**

**REP. BELTER REQUESTED** that the Agriculture Committee be excused.

**MOTION**

**REP. BELTER MOVED** that HB 1345 be laid over ONE legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1280:** A BILL for an Act to create and enact a new subsection to section 54-01-26 of the North Dakota Century Code, relating to determining residency for voting purposes.

**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 39 YEAS, 44 NAYS, 15 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brekke; Brusegaard; Cleary; DeKrey; Delmore; Devlin; Disrud; Drovdal; Ekstrom; Glassheim; Grumbo; Gulleson; Gunter; Hanson; Huether; Hunsakor; Kelsh, S.; Kempenich; Kerzman; Kretschmar; Kroeber; Mahoney; Maragos; Metcalf; Monson; Nelson; Niemeier; Ruby; Schmidt; Severson; Skarphol; Solberg; Thoreson, L.; Thorpe; Tieman; Weisz; Wikenheiser

**NAYS:** Bellew; Belter; Boehm; Byerly; Carlisle; Carlson; Clark; Delzer; Dosch; Eckre; Fairfield; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Herbel; Jensen; Johnson, N.; Kasper; Keiser; Kelsch, R.; Klein, F.; Klein, M.; Klemin; Kliniske; Koppelman; Martinson; Meier; Nottestad; Pollert; Porter; Price; Rennerfeldt; Svedjan; Thoreson, B.; Timm; Wald; Warner; Weiler; Wentz; Winrich; Speaker Bernstein

**EXCUSED:** Berg; Brandenburg; Froelich; Johnson, D.; Kingsbury; Koppang; Lemieux; Lloyd; Mueller; Nicholas; Onstad; Pietsch; Renner; Sandvig; Wrangham

HB 1280 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1339:** A BILL for an Act to amend and reenact section 6-09-37 of the North Dakota Century Code, relating to the sale and leasing of agricultural real estate by the Bank of North Dakota.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 1 NAY, 15 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Thorpe

**EXCUSED:** Berg; Brandenburg; Froelich; Johnson, D.; Kingsbury; Koppang; Lemieux; Lloyd; Mueller; Nicholas; Onstad; Pietsch; Renner; Sandvig; Wrangham

**ABSENT AND NOT VOTING:** Nelson

HB 1339 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1428:** A BILL for an Act to create and enact a new subsection to section 26.1-39-17 and a new subsection to section 26.1-40-11 of the North Dakota Century Code, relating to financial stability rating scores as prohibited reasons for declining or terminating certain insurance.

**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 5 YEAS, 77 NAYS, 15 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Grosz; Kasper; Koppelman; Niemeier

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

**EXCUSED:** Berg; Brandenburg; Froelich; Johnson, D.; Kingsbury; Koppang; Lemieux; Lloyd; Mueller; Nicholas; Onstad; Pietsch; Renner; Sandvig; Wrangham

**ABSENT AND NOT VOTING:** Gulleston

HB 1428 lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3010:** A concurrent resolution directing the Legislative Council to study the property tax exemption for public housing authorities.

**ROLL CALL**

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 0 NAYS, 15 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Boehm; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal;

Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein, F.; Klein, M.; Klemm; Kliniske; Koppelman; Kretschmar; Kroeber; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Niemeier; Nottestad; Pollert; Porter; Price; Rennerfeldt; Ruby; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Speaker Bernstein

**EXCUSED:** Berg; Brandenburg; Froelich; Johnson, D.; Kingsbury; Koppang; Lemieux; Lloyd; Mueller; Nicholas; Onstad; Pietsch; Renner; Sandvig; Wrangham

HCR 3010 passed and the title was agreed to.

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#### POINT OF PERSONAL PRIVILEGE

**REP. KOPPELMAN:** Mr. Speaker: I rise on a point of personal privilege.

#### REQUEST

**REP. BELTER REQUESTED** that the remarks of Rep. Koppelman be printed in the Journal, which request was granted.

Mr. Speaker and members of the Assembly, 90 years ago this week, the man who would become our nation's 40th President was born. He grew up in the Midwest and came to exemplify the values and virtues most Americans share.

A Lifeguard, turned sportscaster, turned actor, he later embarked upon a political career which took him from the California governor's mansion to the White House.

He became President at a time when Americans needed a good dose of confidence, leadership, and patriotism...and he provided all three like few who have held the highest office in the land ever have.

Politically, he earned loyal admirers and his share of critics, but on one thing virtually all Americans agree: Ronald Wilson Reagan, as president, was a man of decency, charm and grace who inspired us and made us proud to be Americans, once again.

He had such respect for the Oval Office in which he labored for eight years, that he reportedly never even took his suit coat off in that historic room. He disarmed us with his wit, inspired us with his optimism and challenged us to dream big dreams. "... And why not," he said, "after all, we're Americans!"

Today, as he battles the terrible disease called Alzheimer's, I know that all North Dakotans join in wishing him and Mrs. Reagan all the best and in conveying our deepest gratitude for his exemplary service to our nation. Happy 90th Birthday, Mr. President!

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1025, HB 1099, HB 1101, HB 1105, HB 1123, HB 1125, HB 1216, HB 1297, HB 1425.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1151.

#### 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 2265, SB 2383, SB 2426.

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

**MR. SPEAKER:** The President has signed: HB 1050.

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1050.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on February 8, 2001: HB 1050.

**REPORT OF STANDING COMMITTEE**

**HB 1004: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1004 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "5,716,616" with "5,855,615"

Page 1, line 11, replace "775,320" with "745,320"

Page 1, line 13, replace "6,570,906" with "6,679,905"

Page 1, line 15, replace "4,425,069" with "4,534,068"

Page 1, line 17, replace "\$1,234,548" with "\$1,288,567"

Page 1, line 19, replace "\$1,234,548" with "\$1,288,567"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1004 - State Auditor - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$5,716,616	\$138,999	\$5,855,615
Operating expenses	775,320	(30,000)	745,320
Equipment	<u>78,970</u>		<u>78,970</u>
Total all funds	\$6,570,906	\$108,999	\$6,679,905
Less estimated income	<u>2,145,837</u>		<u>2,145,837</u>
General fund	\$4,425,069	\$108,999	\$4,534,068
FTE	53.00	2.00	55.00

**Dept. 117 - State Auditor - Detail of House Changes**

	ADD 2 FTE AUDITOR I POSITIONS - TRANSFER FUNDING FROM OPERATING <sup>1</sup>	ADJUST MARKET EQUITY SALARY INCREASE <sup>2</sup>	TOTAL HOUSE CHANGES
Salaries and wages	\$140,000	(\$1,001)	\$138,999
Operating expenses	(30,000)		(30,000)
Equipment			
Total all funds	\$110,000	(\$1,001)	\$108,999
Less estimated income			
General fund	\$110,000	(\$1,001)	\$108,999
FTE	2.00	0.00	2.00

<sup>1</sup> This amendment restores 2 FTE auditor I positions unfunded in the agency's base budget request and deleted in the Schafer and Hoeven budget recommendations. This amendment transfers \$30,000 from operating expenses to salaries and wages to partially fund the \$140,000 general fund cost of the positions.

<sup>2</sup> This amendment reduces, from \$4,402 to \$3,401, the amount provided for a market equity salary increase for the State Auditor. The amount included in the bill will provide for a monthly increase of \$162 per month for the last 18 months of the biennium.

In Section 2 of the bill, the amount of estimated income to be generated from political subdivision audit fees is increased by \$54,019, the amount of the executive budget compensation package funded from the collection of these audit fees, to match the amount appropriated in Section 1 of the bill.

**REPORT OF STANDING COMMITTEE**

**HB 1006: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1006 was placed on the Sixth order on the calendar.

Page 1, line 3, after "credit" insert "; to provide for allocations to the multistate tax compact fund"

Page 1, line 9, after "funds" insert "and other income"



Page 1, line 14, replace "12,950,176" with "12,854,202"

Page 1, line 15, replace "4,327,342" with "4,282,461"

Page 1, line 18, replace "393,729" with "393,729"

Page 1, after line 18, insert:

"Multistate tax commission 316,000"

Page 1, line 19, replace "17,956,247" with "18,131,392"

Page 1, line 20, replace "393,729" with "709,729"

Page 1, line 21, replace "17,562,518" with "17,421,663"

Page 2, line 3, replace "22,103,331" with "21,962,476"

Page 2, after line 8, insert:

**"SECTION 3. MULTISTATE TAX COMMISSION FUND.** Notwithstanding any other provision of law, during the 2001-03 biennium the tax commissioner shall designate up to \$316,000 of revenue from collections attributable to participation in the multistate tax compact for deposit in the multistate tax commission fund and, upon receipt of funds so designated, the state treasurer shall deposit those funds in the multistate tax commission fund. The state treasurer shall transfer any balance in the multistate tax commission fund on June 30, 2003, to the state general fund."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1006 - Summary of House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Homestead tax credit			
Total all funds	\$4,540,813	\$0	\$4,540,813
Less estimated income			
General fund	<u>\$4,540,813</u>	<u>\$0</u>	<u>\$4,540,813</u>
State Tax Commissioner			
Total all funds	\$17,956,247	\$175,145	\$18,131,392
Less estimated income	<u>393,729</u>	<u>316,000</u>	<u>709,729</u>
General fund	\$17,562,518	(\$140,855)	\$17,421,663
Bill Total			
Total all funds	\$22,497,060	\$175,145	\$22,672,205
Less estimated income	<u>393,729</u>	<u>316,000</u>	<u>709,729</u>
General fund	\$22,103,331	(\$140,855)	\$21,962,476

**House Bill No. 1006 - State Tax Commissioner - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$12,950,176	(\$95,974)	\$12,854,202
Operating expenses	4,327,342	(44,881)	4,282,461
Equipment	235,000		235,000
City tax administration fees	50,000		50,000
Motor fuels federal grant	393,729		393,729
MTC fund		<u>316,000</u>	<u>316,000</u>
Total all funds	\$17,956,247	\$175,145	\$18,131,392
Less estimated income	<u>393,729</u>	<u>316,000</u>	<u>709,729</u>
General fund	\$17,562,518	(\$140,855)	\$17,421,663
FTE	142.00	1.00	143.00

**Dept. 127 - State Tax Commissioner - Detail of House Changes**

	ADJUST MARKET EQUITY SALARY INCREASE <sup>1</sup>	REDUCE FUNDING FOR TEMPORARY WAGES	REDUCE FUNDING FOR MULTISTATE TAX COMMISSION <sup>2</sup>	INCREASE SPECIAL FUNDING FROM AUDIT REVENUES <sup>3</sup>	RESTORE AN AUDITOR II POSITION <sup>4</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$17,092)	(\$78,882)				(\$95,974)
Operating expenses			(\$44,881)			(44,881)
Equipment						
City tax administration fees						
Motor fuels federal grant						

MTC fund				<u>\$316,000</u>		<u>316,000</u>
Total all funds	(\$17,092)	(\$78,882)	(\$44,881)	\$316,000	\$0	\$175,145
Less estimated income				<u>316,000</u>		<u>316,000</u>
General fund	(\$17,092)	(\$78,882)	(\$44,881)	\$0	\$0	(\$140,855)
FTE	0.00	0.00	0.00	0.00	1.00	1.00

<sup>1</sup> This amendment reduces, from \$24,268 to \$7,176, the amount provided for a market equity salary increase for the State Tax Commissioner. The amount included in the bill will provide for a monthly increase of \$341 per month for the last 18 months of the biennium.

<sup>2</sup> Removes funding for the general membership and the nexus program portion of the Multistate Tax Commission fees from operating expenses.

<sup>3</sup> Funding is added for costs associated with membership in the Multistate Tax Commission, including membership in the audit program. A section is added providing for a Multistate Tax Commission fund consisting of collections of up to \$316,000 from the Multistate Tax Commission. The State Tax Commissioner is authorized to spend up to \$316,000 from the Multistate Tax Commission fund, and any remaining balance is transferred to the general fund. Representations of the Tax Department indicate that membership in this commission will result in additional revenues of \$316,000 for deposit in the Multistate Tax Commission fund for the 2001-03 biennium in excess of the amount included in the executive budget recommendation.

<sup>4</sup> Restores an auditor II position but provides no funding.

### REPORT OF STANDING COMMITTEE

**HB 1014: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1014 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "2,574,768" with "2,948,096"

Page 1, line 11, replace "1,693,022" with "2,171,548"

Page 1, line 12, replace "881,746" with "776,548"

Renumber accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1014 - Protection and Advocacy Project - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Protection and Advocacy services	<u>\$2,574,768</u>	<u>\$373,328</u>	<u>\$2,948,096</u>
Total all funds	\$2,574,768	\$373,328	\$2,948,096
Less estimated income	<u>1,693,022</u>	<u>478,526</u>	<u>2,171,548</u>
General fund	\$881,746	(\$105,198)	\$776,548
FTE	22.00	1.50	23.50

#### Dept. 360 - Protection and Advocacy Project - Detail of House Changes

	ADJUST MARKET EQUITY SALARY INCREASE <sup>1</sup>	FUNDING SOURCE CHANGE <sup>2</sup>	PROVIDE FUNDING FOR 1.5 FTE <sup>3</sup>	SOCIAL SECURITY ADMINISTRATION FUNDING <sup>4</sup>	TOTAL HOUSE CHANGES
Protection and Advocacy services	<u>(\$2,347)</u>		<u>\$142,675</u>	<u>\$233,000</u>	<u>\$373,328</u>
Total all funds	(\$2,347)	\$0	\$142,675	\$233,000	\$373,328
Less estimated income	<u>0</u>	<u>102,851</u>	<u>142,675</u>	<u>233,000</u>	<u>478,526</u>
General fund	(\$2,347)	(\$102,851)	\$0	\$0	(\$105,198)
FTE	0.00	0.00	1.50	0.00	1.50

<sup>1</sup> This amendment reduces, from \$10,313 to \$7,966, the amount provided for a market equity salary increase for the director. The amount included in the bill will provide for a monthly increase of \$379 and related fringe benefits for the last 18 months of the biennium.

<sup>2</sup> Adjustment related to revised projections of federal funds available for the 2001-03 biennium.

<sup>3</sup> Provides federal funding for 1.5 FTE for the increased responsibilities associated with and to implement the protection and advocacy of individuals with mental illness (PAIMI) program.

<sup>4</sup> Estimated income is increased by \$233,000 to provide the agency with authority to accept and spend federal funds available from the Social Security Administration.

### REPORT OF STANDING COMMITTEE

**HB 1020: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1020 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "4,717,780" with "4,735,223"

Page 1, line 17, replace "1,398,844" with "1,381,401"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1020 - Historical Society - House Action**

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$4,717,780	\$17,443	\$4,735,223
Operating expenses	1,129,334		1,129,334
Equipment	185,744		185,744
Capital improvements	1,159,200		1,159,200
Grants	485,559		485,559
Capital improvements - Fort Buford	3,543,160		3,543,160
Yellowstone-Missouri-Fort Union Commission	4,727		4,727
Lewis and Clark Bicentennial	<u>1,398,844</u>	<u>(17,443)</u>	<u>1,381,401</u>
Total all funds	\$12,624,348	\$0	\$12,624,348
Less estimated income	<u>5,584,946</u>		<u>5,584,946</u>
General fund	\$7,039,402	\$0	\$7,039,402
FTE	56.00	(1.00)	55.00

**Dept. 701 - Historical Society - Detail of House Changes**

	REMOVE NEW FTE - TRANSFER FUNDING TO SALARIES <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	\$17,443	\$17,443
Operating expenses		
Equipment		
Capital improvements		
Grants		
Capital improvements - Fort Buford		
Yellowstone-Missouri-Fort Union Commission		
Lewis and Clark Bicentennial	<u>(17,443)</u>	<u>(17,443)</u>
Total all funds	\$0	\$0
Less estimated income		
General fund	\$0	\$0
FTE	(1.00)	(1.00)

<sup>1</sup> This amendment removes a one FTE historic site supervisor II position included in the Schafer and Hoeven budget recommendations as part of the department's Lewis and Clark Bicentennial initiative. The Schafer and Hoeven budget recommendations include a general fund appropriation of \$17,443 to fund the position for the period July 1, 2002, through December 31, 2002. The funding is transferred from the Lewis and Clark Bicentennial line item to the salaries and wages line item with the intent that the department increase funding available for position No. 52, a historical architect (classified as a historic division director) position which the agency has had difficulty filling.

**REPORT OF STANDING COMMITTEE**

**HB 1021: Appropriations Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1021 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "2,174,070" with "2,008,000"

Page 1, line 18, replace "14,842,006" with "14,675,936"

Page 1, line 20, replace "7,445,006" with "7,278,936"

Page 1, line 23, replace "364,583" with "377,083"

Page 1, line 24, replace "364,583" with "377,083"

Page 2, line 1, replace "7,809,589" with "7,656,019"

Page 2, line 3, replace "15,206,589" with "15,053,019"

Page 2, replace lines 4 through 11 with:

**"SECTION 2. FUNDING - INTERNATIONAL PEACE GARDEN AND THE INTERNATIONAL PEACE GARDEN FOUNDATION.** The director of the parks and recreation department shall transfer from the amount appropriated in the International Peace Garden line item in subdivision 2 of section 1 of this Act a total of \$364,583 to

the International Peace Garden and a total of \$12,500 to the International Peace Garden foundation, a United States corporation. The transfers to the International Peace Garden must be made in two amounts; \$182,292 transferred within ten days of July 1, 2001, and \$182,291 transferred within ten days of July 1, 2002. The transfer to the International Peace Garden foundation must be made only when the foundation has raised \$12,500 of other funds to be used to match the funds appropriated in subdivision 2 of section 1 of this Act. The parks and recreation department may not reduce the funds appropriated in the International Peace Garden line item in subdivision 2 of section 1 of this Act by a percentage greater than any percentage allotment of general fund moneys required of the department pursuant to the provisions of sections 54-44.1-12 and 54-44.1-13.1."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### House Bill No. 1021 - Summary of House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Parks and Recreation Department			
Total all funds	\$14,842,006	(\$166,070)	\$14,675,936
Less estimated income	<u>7,397,000</u>		<u>7,397,000</u>
General fund	\$7,445,006	(\$166,070)	\$7,278,936
International Peace Garden			
Total all funds	\$364,583	\$12,500	\$377,083
Less estimated income			
General fund	<u>\$364,583</u>	<u>\$12,500</u>	<u>\$377,083</u>
Bill Total			
Total all funds	\$15,206,589	(\$153,570)	\$15,053,019
Less estimated income	<u>7,397,000</u>		<u>7,397,000</u>
General fund	\$7,809,589	(\$153,570)	\$7,656,019

##### House Bill No. 1021 - Parks and Recreation Department - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$4,876,341		\$4,876,341
Operating expenses	3,015,677		3,015,677
Equipment	325,750		325,570
Capital improvements	2,174,070	(\$166,070)	2,008,000
Grants	3,684,727		3,684,727
Lewis and Clark Bicentennial	<u>765,441</u>		<u>765,441</u>
Total all funds	\$14,842,006	(\$166,070)	\$14,675,936
Less estimated income	<u>7,397,000</u>		<u>7,397,000</u>
General fund	\$7,445,006	(\$166,070)	\$7,278,936
FTE	42.75	0.00	42.75

##### Dept. 750 - Parks and Recreation Department - Detail of House Changes

	REDUCE CAPITAL PROJECTS <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Capital improvements	(\$166,070)	(\$166,070)
Grants		
Lewis and Clark Bicentennial		
Total all funds	(\$166,070)	(\$166,070)
Less estimated income		
General fund	(\$166,070)	(\$166,070)
FTE	0.00	0.00

<sup>1</sup> The Schafer and Hoeven budget recommendations include \$1,266,070 from the general fund for capital projects. The House version reduces the general fund appropriation for capital projects by \$166,070 for projects to be determined by the department.

##### House Bill No. 1021 - International Peace Garden - House Action

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION
International Peace Garden	<u>\$364,583</u>	<u>\$12,500</u>	<u>\$377,083</u>
Total all funds	\$364,583	\$12,500	\$377,083
Less estimated income			

General fund	\$364,583	\$12,500	\$377,083
FTE	0.00	0.00	0.00

**Dept. 751 - International Peace Garden - Detail of House Changes**

	INCREASE FUNDING FOR INTERNATIONAL PEACE GARDEN <sup>1</sup>	TOTAL HOUSE CHANGES
International Peace Garden	<u>\$12,500</u>	<u>\$12,500</u>
Total all funds	\$12,500	\$12,500
Less estimated income	_____	_____
General fund	\$12,500	\$12,500
FTE	0.00	0.00

<sup>1</sup> The recommended appropriation for the International Peace Garden is increased by \$12,500 from the general fund to provide a grant to the International Peace Garden Foundation for the renovation of the restroom facilities at the International Peace Garden music camp. This change was included in the Hoeven budget recommendation.

This amendment also creates a new Section 2 to provide that the funding appropriated for the International Peace Garden consists of \$364,583 for a grant to the International Peace Garden and \$12,500 for a grant to the International Peace Garden Foundation, a United States corporation. This section also provides that the \$12,500 grant to the foundation must be matched by an equal amount of local funds raised by the foundation.

**REPORT OF STANDING COMMITTEE**

**HB 1039: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1039 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1040: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1040 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1041: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1041 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1042: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1042 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1043: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). HB 1043 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "in this state"

Page 1, line 23, replace "twenty-four" with "sixty"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1052: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1052 was placed on the Sixth order on the calendar.

Page 1, line 4, after "reenact" insert "subsection 3 of section 57-39.2-01 and"

Page 1, line 7, remove "and" and after "date" insert "; and to provide an expiration date"

Page 1, after line 8, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 57-39.2-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Gross receipts" means the total amount of sales of retailers, valued in money, whether received in money or otherwise. Provided, discounts for any purposes allowed and taken on sales are not included, nor is the sale price of property returned by customers when the full sale price is refunded either in cash or by credit. Provided, further, when tangible personal property is taken in trade or in a series of trades as a credit or part payment of a retail sale taxable under this chapter, if the tangible personal property traded in will be subject to the sales tax imposed by this chapter when sold, will be subject to the motor vehicle excise tax imposed by chapter 57-40.3, or if the tangible personal property traded in is used farm machinery or used irrigation equipment, the credit or trade-in value allowed by the retailer are not gross receipts. Provided, further, on all sales of retailers, valued in money, when the sales are made under a conditional sales contract, or under other forms of sale wherein the payment of the principal sum is to be extended over a period longer than sixty days from the date of sale that only the portion of the sale amount shall be accounted for, for the purpose of imposition of tax imposed by this chapter, as has actually been received in cash by the retailer during each quarterly period as defined herein. When a farm machine is purchased as a replacement for machinery which was stolen or totally destroyed, a credit or trade-in credit is allowed in an amount equal to the compensation received for the loss from an insurance company. The purchaser shall provide the seller with a notarized statement from the insurance company verifying that the original farm machine is a total loss and indicating the amount of compensation. The notarized statement must be retained by the seller to verify the amount of credit or trade-in credit allowed. "Gross receipts" also means, with respect to the leasing or renting of tangible personal property, the amount of consideration, valued in money, whether received in money or otherwise, received from the leasing or renting of only tangible personal property the transfer of title to which has not been subjected to a retail sales tax in this state. For the purpose of this chapter, gross receipts shall also include the total amount of sales of every clerk, auctioneer, agent, or factor selling tangible personal property owned by any other retailer."

Page 1, line 11, overstrike "**2001**" and insert immediately thereafter "2002"

Page 3, line 9, overstrike "**2001**" and insert immediately thereafter "2002"

Page 5, line 3, overstrike "**2001**" and insert immediately thereafter "2002"

Page 6, line 28, overstrike "**2001**" and insert immediately thereafter "2002"

Page 8, line 10, replace "This Act is" with "Sections 2 and 4 of this Act are"

Page 8, line 11, after the period insert "Sections 1 and 3 of this Act are effective for taxable events occurring after June 30, 2002."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1085: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1085 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "repeal" with "amend and reenact"

Page 1, line 4, replace "**REPEAL**" with "**AMENDMENT**"

Page 1, line 5, replace "repealed." with "amended and reenacted as follows:"

Page 1, after line 5, insert:

**"52-04-06.1. Incremental bond for impact projects** ~~Construction project risk projection.~~

1. ~~Any person, firm, corporation, or limited liability company and every general contractor which will employ or contract for the employment of or which is employing, directly or indirectly through agents, independent contractors or subcontractors on any project in North Dakota this state with an estimated construction cost of at least twenty five fifty million dollars including physical construction and site preparation but excluding design and engineering, a majority of which is planned to be completed or discontinued within a period of seven years, and which will require the employment of at least two hundred fifty people is subject to this section. Each employing unit working on~~ The general or prime contractor, or the owner in those situations in which there is no general or prime contractor, of a project which that meets the criteria post the bond or irrevocable letter of credit required in subsection 2 before commencement of construction work on the project and shall report annually, within thirty days of the anniversary date the project becomes subject to this section, to the bureau any change in contract bids within the state as may have been determined under subsection 2 the construction costs of projects subject to this section.
  
2. ~~If the bureau determines that the project is or will be within the criteria stated by this section, the bureau shall estimate the total job insurance contributions which the employing units will make under the North Dakota Unemployment Compensation Law based on the average estimated number of covered employees during the course of the project. The bureau shall also estimate the total benefits which will be required at the completion of the project, assuming that fifty percent of covered employees will claim benefits following completion or discontinuance of the project. If estimated benefits exceed estimated contributions, the bureau shall assess and collect from each employing unit an additional amount of one half percent times the successful bid amount on the project awarded to each employing unit but not to exceed one half percent times the total amount allowed under all bids accepted under the project. The amount is in addition to any other contribution required under the law and must be treated as incremental bond payments to ensure payment for all benefits ultimately claimed. The payments are not contributions until the ultimate determination of liability is made under subsection 3. The bureau shall amend the amount assessed under this subsection in accordance with any increases in contract bids reported by an employing unit under subsection 1. Any employing unit failing to comply with this subsection may be enjoined by the bureau from engaging or continuing in business until all required payments are made~~ require the general or prime contractor, or the owner in those situations in which there is no general or prime contractor, for whom the project is being constructed, on behalf of each employing unit, to post a bond executed by a surety company authorized to do business in the state or an irrevocable letter of credit from a federal deposit insurance corporation insured state or nationally chartered bank authorized to do business in the state which will insure payment for all benefits claimed by employees of all employing units working on the project. The bureau may adjust the amount of bond or irrevocable letter of credit required under this subsection to cover any significant increases or decreases in project construction costs reported by the general or prime contractor or owner. If any general or prime contractor or owner fails to comply with this subsection, the bureau may apply to any court of this state within the jurisdiction in which the contractor or owner is found, located, or transacts business to obtain an order to compel the general or prime contractor or owner to post the required bond or irrevocable letter of credit required under this subsection. Any failure to obey an order of the court may be punished by the court as a contempt of court.
  
3. ~~The amounts collected from each employing unit under this section must be credited to individual interest bearing incremental bond trust accounts established by the bureau at the Bank of North Dakota. Eighteen~~ The amount of bond or irrevocable letter of credit must be the difference between the estimated benefits paid and estimated contributions. The estimation of contributions expected must be made as follows: multiply the current year's negative employer minimum rate or six percent, whichever is greater, times the current year's taxable wage base times the estimated number of employees on the project using figures from project plans, times the number of years between the start date and the estimated completion date of the project. The estimation of benefits paid must be made as follows: the ratio of benefits charged to contributions paid in the most

recent three fiscal years by employers in the construction industry multiplied by the estimated contributions.

4. ~~Thirty months after the completion or discontinuance of the project or eighteen months after the employing unit completes its phase of the work, the bureau shall determine the total benefits paid to employees of the employing unit or units and if the total amount of contributions collected from the units under the North Dakota Unemployment Compensation Law exceeds total, the general or prime contractor or the owner shall pay the total amount of benefits paid to the employees of the units, the difference plus accrued interest must be refunded to the appropriate unit or units but not exceeding the amount paid under this subsection plus accrued interest. The amount not refunded must be credited to the unemployment compensation fund which exceeded the total amount of contributions collected from the unit of units. If the general or prime contractor or the owner does not pay the payment requirement, job service North Dakota shall collect the payment from the surety company that executed the surety bond or bank that issued the irrevocable letter of credit.~~
4. ~~Upon completion of the contract requiring a bond in excess of one thousand two hundred fifty dollars, a contractor may receive a credit of ten percent of the total bond for every twenty percent of the total wages which were paid to individuals who at the time of hire were North Dakota residents. Upon completion of the contract requiring a bond of one thousand two hundred fifty dollars or less, a contractor may receive a credit of ten percent of the total bond for every ten percent of the total wages which were paid to individuals who at the time of hire were North Dakota residents. For the purposes of this subsection, a person may be considered a resident provided the person has earned in covered employment in North Dakota as defined in title 52, the sum of two thousand dollars during the past four completed calendar quarters preceding the date of employment or can provide evidence of having resided in the state during the past four completed calendar quarters preceding the date of employment.~~
5. ~~Any employing unit, whether contractor, subcontractor, or otherwise, which in turn subcontracts a portion of its contract, may upon application to the bureau and proof of such subcontract receive an adjustment on its bond in direct proportion to the amount of such subcontract.~~
6. ~~Failure of any employing unit, whether contractor, subcontractor, or otherwise, to inform the bureau of the issuance of a subcontract or if any subcontractor fails to pay the bond required under this section shall cause the contractor to be liable for payment of the subcontractor bond and any unpaid subcontractor contributions due on the projects.~~
7. 5. ~~For the purposes of this section, a project includes all entities which that employ or contract for the employment of, or is employing directly or indirectly through agents, independent contractors, or subcontractors; regardless of the number of employees that any particular employing unit may have to perform services on a project, if the overall project involves the employment of at least two hundred fifty persons in the aggregate. In this situation, each~~ Each employing unit, whether contractor, subcontractor, or otherwise, involved in the project is subject to this section.
8. 6. ~~The bureau is authorized to adopt necessary rules for the effective administration and enforcement of this section~~ Each employing unit having employees working on a project subject to this section shall maintain separate records for all employment on the project showing each individual's name, social security number, wages paid, and the dates the wages were paid. The employers shall submit separate reports from other employment subject to the North Dakota Unemployment Compensation Law under a separate reporting account established for the project.
9. 7. ~~This section applies to projects begun after June 30, 1987. A project must be deemed to have commenced under this section at the time that work begins under the first contract that has been let for any phase or type of work on the project for which bids are let after August 1, 2001.~~



8. The determination of whether a project is subject to this section must be made in the same manner as provided for in section 52-04-17.
9. This section does not apply to any project in which the state is the owner or contractor.

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1109: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1109 was placed on the Sixth order on the calendar.

Page 2, line 15, replace "in an amount to be" with "of five dollars per bed"

Page 2, line 16, remove "established by the department, not to exceed the actual cost of licensing"

Page 2, line 18, after the underscored period insert "The department, with the cooperation of consumers and providers, shall develop a survey process that is collaborative and based upon a quality improvement model."

Page 4, line 17, after "means" insert "any building or structure containing"

Page 5, line 8, remove "on the same site."

Page 5, line 14, after the second "facility" insert ", a congregate housing facility, or an independent living facility"

Page 6, after line 12, insert:

- "10. "Independent living facility" means a living arrangement, regardless of the age of the residents or the location of the facility, in which residents reside by choice and not due to medical or care needs."

Page 6, line 13, replace "10" with "11"

Page 6, line 15, replace the second "or" with an underscored period

Page 6, remove line 16

Page 6, line 17, replace "11" with "12"

Page 6, line 20, replace "12" with "13"

Page 6, line 21, replace "medication" with "meal preparation."

Page 6, remove line 22

Page 6, line 23, replace "13" with "14"

Page 6, line 25, replace "14" with "15"

Page 6, line 28, replace "15" with "16"

Page 7, line 1, replace "16" with "17"

Page 7, line 4, replace "17" with "18"

Page 7, line 9, replace "18" with "19"

Page 7, line 13, replace "19" with "20"

Page 7, line 16, replace "20" with "21"

Page 7, line 18, replace "21" with "22"

Page 7, line 23, after "~~forty five~~" insert "sixty", remove the overstrike over "~~dollars~~", and remove "a personal needs allowance established by the department"

Page 8, line 7, after "of" insert "seventy-five dollars for each facility. Registration fees collected under this section must be deposited in the department of human services operating fund in the state treasury. Any expenditure from the fund is subject to appropriation by the legislative assembly."

Page 8, remove lines 8 and 9

Page 8, line 17, replace "The" with "After the fifty-ninth day following the notification of noncompliance with annual registration, the" and replace "five hundred" with "fifty"

Page 8, line 21, after the underscored period insert "Fines collected under this section must be deposited in the department of human services operating fund in the state treasury. Any expenditure from the fund is subject to appropriation by the legislative assembly."

Page 8, line 31, after "~~forty-five~~" insert "sixty"

Page 9, line 1, remove the overstrike over "~~dollars~~" and remove "a personal needs allowance established by the department"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1117: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1117 was placed on the Sixth order on the calendar.

Page 1, line 3, after "services" insert "; and to provide an expiration date"

Page 2, line 10, remove the overstrike over "~~To prepare~~"

Page 2, line 12, after "~~community~~" insert "an individual care plan for each individual receiving targeted case management services" and remove the overstrike over the period

Page 2, line 13, remove the overstrike over "7:"

Page 2, line 18, replace "7" with "8" and after "management" insert "and report to each legislative assembly on these results and the cost-effectiveness of these services"

Page 2, after line 18, insert:

**"SECTION 3. EXPIRATION DATE.** This Act is effective through June 30, 2003, and after that date is ineffective."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Dept. 327 - Department of Human Services - Economic Assistance

HOUSE - This amendment provides that the Department of Human Services prepare an individual care plan for each individual receiving targeted case management services and that the department report to each Legislative Assembly on the results and the cost-effectiveness of the targeted case management services.

An expiration date of June 30, 2003, is added to the bill.

#### REPORT OF STANDING COMMITTEE

**HB 1141: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1141 was placed on the Sixth order on the calendar.

Page 2, remove lines 25 through 28

Page 2, line 29, replace "4" with "3"

Page 3, line 1, replace "5" with "4"

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

Page 3, line 5, replace "7" with "6"

Page 3, line 7, replace "8" with "7"

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

Page 3, line 11, replace "10" with "9"

Page 3, line 15, replace "11" with "10"

Page 4, line 21, replace "they do not have to" with "the school districts shall"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1155: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1155 was placed on the Sixth order on the calendar.

Page 3, after line 21, insert:

"4. A health spa or similar business to the extent the spa or business is performing superficial applications, including salt glows and contouring."

Page 3, line 28, replace "at least one of whom" with "who", replace "a massage therapist" with "massage therapists", and remove "an"

Page 3, line 29, replace "member" with "members"

Page 9, line 23, replace "fixed by" with "of sixty-two dollars per day or prorated for partial days"

Page 9, line 24, remove "the board"

Page 10, line 7, remove the overstrike over "of", after "thirty five" insert "one hundred fifty", and remove the overstrike over "dollars" and insert immediately thereafter "or a lesser fee"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1198: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1198 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 26.1-30.1, a new section to chapter 26.1-39, and a new section to chapter 26.1-40 of the North Dakota Century Code, relating to transfer of policies within an insurance holding company system; and to amend and reenact subsection 4 of section 26.1-39-11 and subsection 5 of section 26.1-40-01 of the North Dakota Century Code, relating to transfer of policies within an insurance holding company system."

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

**SECTION 1.** A new section to chapter 26.1-30.1 of the North Dakota Century Code is created and enacted as follows:

##### Policy transfer.

1. A policy transferred to an insurer within the same insurance holding company system is not subject to sections 26.1-30.1-02, 26.1-30.1-03, 26.1-30.1-03.1, and 26.1-30.1-06.
2. The transferring insurer shall give notice to the policyholder of the policy transfer.

**SECTION 2.** A new section to chapter 26.1-39 of the North Dakota Century Code is created and enacted as follows:

Notice of transfer. The insurer transferring a policy to another insurer within the same insurance holding company system shall give notice to the policyholder of the transfer.

**SECTION 3. AMENDMENT.** Subsection 4 of section 26.1-39-11 of the North Dakota Century Code is amended and reenacted as follows:

4. "Termination" means either a cancellation or nonrenewal of property insurance coverage in whole or in part. A cancellation occurs during the policy term. A nonrenewal occurs at the end of the policy term as set forth in subsection 3. For purposes of sections 26.1-39-10 through 26.1-39-21, the transfer of ~~apolicyholder policy~~ policy between companies within the same insurance group holding company system ~~is considered not~~ a termination. Requiring a reasonable deductible, reasonable changes in the amount of insurance, or reasonable reductions in policy limits or coverage is not considered a termination if the requirements are directly related to the hazard involved and are made on the renewal date for the policy.

**SECTION 4. AMENDMENT.** Subsection 5 of section 26.1-40-01 of the North Dakota Century Code is amended and reenacted as follows:

5. "Termination" means either a cancellation or nonrenewal of automobile insurance coverage in whole or in part. A cancellation occurs during the policy term. A nonrenewal occurs at the end of the policy term. An insurer's substitution of insurance upon renewal which results in substantially equivalent coverage is not a termination. The transfer of a policy between companies within the same insurance holding company system is not a termination.

**SECTION 5.** A new section to chapter 26.1-40 of the North Dakota Century Code is created and enacted as follows:

Notice to transfer. The insurer transferring a policy to an insurer within the same insurance holding company system shall give notice to the policyholder of the transfer."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1204: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1204 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1208: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1208 was placed on the Sixth order on the calendar.

Page 1, line 16, after the third underscored comma insert "or", replace "12.1-22" with "section 12.1-22-01", and after "or" insert "chapter"

Page 2, line 2, after "The" insert "sentencing court shall assess the"

Page 2, line 3, overstrike "must be assessed to" and insert immediately thereafter "against" and after the period insert "The department shall collect the cost of the procedure from the person being tested and transfer the amount collected to the state department of health for deposit in the general fund."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1226: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1226 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "twenty-five" with "fifty"

Page 1, line 14, remove "26.1-36-09,"

Page 1, line 15, remove "26.1-36-09.8,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1228: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1228 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "to void or suspend administrative rules"

Page 1, line 12, after "after" insert "review of"

Page 1, line 13, replace "called up for review" with "reopened"

Page 2, line 11, after "after" insert "review of"

Page 2, line 12, replace "called up for review" with "reopened"

Page 3, line 6, after "after" insert "review of"

Page 3, line 7, replace "called up for review" with "reopened"

Page 4, line 5, after "after" insert "review of" and replace "called up for review" with "reopened"

Page 4, line 30, replace "Administrative" with "Review of administrative" and replace "called up for review" with "reopened"

Page 4, line 31, replace "call" with "reopen review of" and remove "up for review"

Page 5, line 2, after "reason" insert "review of" and replace "called up for review" with "reopened"

Page 5, line 3, remove "called up", after "for" insert "which", and after "review" insert "has been reopened"

Page 5, line 8, replace "Administrative" with "Review of administrative" and replace "called up for review" with "reopened"

Page 5, line 9, replace "call" with "reopen review of" and remove "up for review"

Page 5, line 11, after "reason" insert "review of" and replace "called up for review" with "reopened"

Page 5, line 12, remove "called up", after "for" insert "which", and after "review" insert "has been reopened"

Page 5, line 15, remove "called up", after "for" insert "which", and after "review" insert "has been reopened"

Page 5, line 16, replace "1999" with "2001"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1235: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1235 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1244: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1244 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1267: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1267 was placed on the Sixth order on the calendar.

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

Page 1, line 2, after "unit" insert "and retention of records"

Page 1, line 9, replace "The board of a" with "A" and remove "district"

Page 1, line 18, replace "Officials" with "A superintendent or principal" and replace "other schools" with "another school"

Page 1, line 19, replace "or" with an underscored comma and after "guardian" insert ", or legal custodian"

Page 1, after line 23, insert:

**"SECTION 2.** A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Record retention. Records regarding a student obtained by a school under this chapter must be destroyed when the student reaches the age of eighteen."

Page 3, line 21, replace "officials" with "a superintendent or principal"

Page 4, line 24, replace "Officials" with "A superintendent or principal" and remove "officials"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1276: Natural Resources Committee (Rep. Rennerfeldt, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1276 was placed on the Sixth order on the calendar.

Page 1, line 14, overstrike "thirty" and insert immediately thereafter "fifty"

Page 1, line 16, replace "ten" with "fifty"

Page 1, line 17, remove "for a ten-year period" and replace "one-tenth of the" with "a penalty plus the remaining value of the easement. For purposes of this provision, the penalty is thirty percent of the original easement value which must remain constant for the first one-fifth of the life of the easement and then decline uniformly to zero to the midpoint of the term of the easement. The easement value is the purchase price of the easement which is the original purchase price of the easement for the first half of the term of the easement and then declines uniformly to zero by the end of the term of the easement."

Page 1, remove line 18

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1281: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1281 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second comma insert "and" and remove ", and 65-05-20.1"

Page 1, line 3, remove "; to"

Page 1, line 4, remove "provide for a legislative council study"

Page 5, remove lines 13 through 31

Page 6, remove lines 1 through 6

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1291: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1291 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1301: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1301 was referred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1341: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1341 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1343: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1343 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1346: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1346 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1347: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1347 was placed on the Sixth order on the calendar.

Page 2, line 26, after the first "the" insert "lesser of the state average cost of education per student or the", replace "admitting" with "student's", and after "district" insert "of residence"

Page 2, line 29, after "the" insert "lesser of the state average cost of education per student or the"

Page 2, line 30, replace "admitting" with "student's" and after "district" insert "of residence"

Page 3, line 4, after the first "the" insert "lesser of the state average cost of education per student or the", replace "admitting" with "student's", and after "district" insert "of residence"

Page 3, line 8, after the first "the" insert "lesser of the state average cost of education per student or the" and replace "admitting" with "student's"

Page 3, line 9, after "district" insert "of residence"

Page 3, line 10, after "The" insert "student's school district of residence shall determine the", replace the first "the" with "a", remove "is determined", and after "for" insert "receiving districts"

Page 5, line 21, after the first "the" insert "lesser of the state average cost of education per student or the", replace "admitting" with "student's", and after "district" insert "of residence"

Page 5, line 24, after "the" insert "lesser of the state average cost of education per student or the"

Page 5, line 25, replace "admitting" with "student's" and after "district" insert "of residence"

Page 5, line 29, after the first "the" insert "lesser of the state average cost of education per student or the", replace "admitting" with "student's", and after "district" insert "of residence"

Page 6, line 2, after the first "the" insert "lesser of the state average cost of education per student or the" and replace "admitting" with "student's"

Page 6, line 3, after "district" insert "of residence"

Page 6, line 4, after "The" insert "student's school district of residence shall determine the", replace the first "the" with "a", remove "is determined", and after "for" insert "receiving districts"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1360: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1360 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "provide for a North Dakota center for" with "create and enact a new section to chapter 43-12.1 of the North Dakota Century Code, relating to a study of" and after "nursing" insert "needs"

Page 1, line 4, replace "**North Dakota center for nursing**" with "**Nursing needs study**" and replace "North Dakota center for nursing" with "board may"

Page 1, line 5, remove "shall"

Page 1, line 6, replace "primary goals for the center are to" with "board"

Page 1, line 7, replace "Develop" with "May develop"

Page 1, line 11, replace "Convene" with "May convene"

Page 1, line 13, replace "center" with "board"

Page 1, line 17, replace "Enhance and promote recognition, reward, and renewal activities for nurses by" with "May review and study the nursing educational requirements in this state.

4. May study the nursing shortage in this state and the implications for rural communities.
5. May increase any license or registration fees imposed by the board up to fifteen dollars to reimburse the board for actual expenses incurred under this section.
6. Shall report annually on the progress of the study, if undertaken, to the legislative council and shall provide a final report to the sixtieth legislative assembly."

Page 1, remove lines 18 through 24

Page 2, remove lines 1 through 30

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1362: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO NOT PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1362 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1375: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1375 was placed on the Sixth order on the calendar.

Page 1, line 1, after "transfers" insert "by wire or automated clearinghouse"

Page 1, line 5, after "funds" insert "by wire or automated clearinghouse"

Page 1, line 10, after "funds" insert "by wire or automated clearinghouse"



Page 1, line 16, after "funds" insert "by wire or automated clearinghouse"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1376: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1376 was placed on the Sixth order on the calendar.

Page 1, line 15, remove "allocating and"

Page 1, line 16, replace "from the tobacco" with "of the amount to be allocated to the common schools trust fund"

Page 1, line 17, remove "settlement trust fund"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1378: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1378 was placed on the Sixth order on the calendar.

Page 1, line 13, remove the overstrike over "~~insurance policy covering an automobile~~"

Page 2, line 2, after "39-16.1-11" insert ". If the policy excludes a named individual, individuals, or class of individuals from all coverage and the named insured expressly or impliedly consents to the operation of a secured motor vehicle by the excluded party, the named insured is not relieved of personal liability as provided by subsection 5 of section 26.1-41-02"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1390: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1390 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1413: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1413 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "a" and insert immediately thereafter:

"a. A"

Page 1, line 14, overstrike "a." and insert immediately thereafter "(1)"

Page 1, line 17, overstrike "b." and insert immediately thereafter "(2)"

Page 1, line 19, overstrike "c." and insert immediately thereafter "(3)"

Page 1, line 21, overstrike "d." and insert immediately thereafter "(4)"

Page 1, line 24, remove the overstrike over the semicolon

Page 2, line 2, after "~~activity~~" insert "or

b. An organization that:

- (1) Is in compliance with the requirements for filings with the securities commissioner under the securities laws of this state; and

- (2) Attracts investments to build and own a value-added agricultural processing facility that it leases with an option to purchase to a primary sector business that qualifies under subdivision a"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1419: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1419 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1420: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1420 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1431: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman)** recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1431 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1450: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1450 was placed on the Sixth order on the calendar.

Page 2, line 20, replace "At the discretion of the bureau, an" with "An"

Page 3, line 28, replace "Extended benefits" with "Benefits"

Page 3, line 29, remove "and not reimbursed by the federal government" and replace "in their" with "as provided in section 52-04-19.1."

Page 3, remove line 30

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1457: Industry, Business and Labor Committee (Rep. Berg, Chairman)** recommends **DO PASS** (9 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING). HB 1457 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3008: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HCR 3008 was placed on the Sixth order on the calendar.

Page 1, line 5, after the period insert "The amendment also would provide that the right of privacy would not prohibit or invalidate statutory provisions restricting or regulating abortion and assisted suicide."

Page 1, line 9, replace "general" with "primary"

Page 1, line 15, after the period insert "This section may not be construed to invalidate any legislation regulating or restricting abortion or assisted suicide."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3014: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HCR 3014 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3015: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (8 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HCR 3015 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3017: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3017 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3023: Natural Resources Committee (Rep. Rennerfeldt, Chairman)** recommends **DO PASS** (13 YEAS, 2 NAYS, ABSENT AND NOT VOTING). HCR 3023 was placed on the Eleventh order on the calendar.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Reps. Sandvig, Carlson, B. Thoreson and Sens. Krauter, T. Mathern, O'Connell introduced:  
**HCR 3044:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a putative fathers' adoption registry.  
Was read the first time and referred to the **Human Services Committee**.

Reps. Sandvig, Grande, S. Kelsh and Sens. Krauter, T. Mathern, O'Connell introduced:  
**HCR 3045:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing an at-home infant child care program.  
Was read the first time and referred to the **Human Services Committee**.

Reps. Mueller, D. Johnson, Lemieux and Sens. Kroeplin, Urlacher, Wanzek introduced:  
**HCR 3046:** A concurrent resolution directing the Legislative Council to study issues related to genetically modified wheat, including issues of segregation, liability, economic impact, and agronomic effects.  
Was read the first time and referred to the **Agriculture Committee**.

**FIRST READING OF SENATE BILLS**

**SB 2009:** A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association.  
Was read the first time and referred to the **Appropriations Committee**.

**SB 2114:** A BILL for an Act to amend and reenact sections 43-12.1-02, 43-12.1-03, 43-12.1-04, 43-12.1-05, 43-12.1-07, 43-12.1-08, 43-12.1-09, 43-12.1-10, 43-12.1-11, 43-12.1-13, 43-12.1-14, 43-12.1-15, and 43-12.1-16 of the North Dakota Century Code, relating to specialty nursing practice, unlicensed assistive personnel, persons exempt from licensure, residency requirements for nursing practice, compensation of board members, disciplinary procedures, and the expiration date of the authority of a licensed nurse to delegate medication administration.  
Was read the first time and referred to the **Human Services Committee**.

**SB 2224:** A BILL for an Act to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to haying of no-mow areas.  
Was read the first time and referred to the **Agriculture Committee**.

**SB 2245:** A BILL for an Act to amend and reenact section 40-38-11 of the North Dakota Century Code, relating to joint public library services.  
Was read the first time and referred to the **Political Subdivisions Committee**.

**SB 2253:** A BILL for an Act to amend and reenact sections 40-04.1-02, 40-08-07, and 40-09-06 of the North Dakota Century Code, relating to the salary of city council members and commissioners.  
Was read the first time and referred to the **Political Subdivisions Committee**.

**SB 2280:** A BILL for an Act relating to awards for the damage and destruction of crops, livestock, or commodities.  
Was read the first time and referred to the **Agriculture Committee**.

**SB 2292:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to students in veterinary medicine, optometry, and dentistry.  
Was read the first time and referred to the **Education Committee**.

**SB 2300:** A BILL for an Act to create and enact two new sections to chapter 36-21.1 of the North Dakota Century Code, relating to the custody of abandoned animals; and to amend and reenact sections 36-21.1-01 and 36-21.1-06 of the North Dakota Century Code, relating to the abandonment and exposure of animals.  
Was read the first time and referred to the **Agriculture Committee**.

**SB 2334:** A BILL for an Act to amend and reenact section 57-15-19.6 and subsection 5 of section 57-15-20.2 of the North Dakota Century Code, relating to use of funds under the township levy for mowing and snow removal equipment for expenses of mowing and snow removal; and to provide an effective date.

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

**SB 2350:** A BILL for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to pharmacist administration of drugs; and to amend and reenact subsection 1 of section 43-15-01 of the North Dakota Century Code, relating to terms used by the board of pharmacy.

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

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, February 9, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**