

JOURNAL OF THE HOUSE

Fifty-seventh Legislative Assembly

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Bismarck, February 20, 2001

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

The prayer was offered by Rep. Bette Grande, Fargo.

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

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 1065 HB 1196, HB 1215, HB 1261, HB 1272, HB 1283, HB 1305, HB 1306, HB 1371, HB 1384, HB 1386, and HB 1416 be adopted, which motion prevailed.

HB 1065 HB 1196, HB 1215, HB 1261, HB 1272, HB 1283, HB 1305, HB 1306, HB 1371, HB 1384, HB 1386, and HB 1416, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. BELTER MOVED that HB 1386 be placed at the top of the calendar, which motion prevailed.

MOTION

REP. BELTER MOVED that HB 1273, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Belter's motion, HB 1273 was rereferred.

MOTION

REP. M. KLEIN MOVED that HB 1102, which is on the Seventh order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. M. Klein's motion, HB 1102 was rereferred.

MOTION

REP. BERG MOVED that HB 1400, which is on the Eleventh order, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1400 was rereferred.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT
CALENDAR

HCR 3002: A concurrent resolution directing the Legislative Council to study the completed revision of those provisions of Title 15 of the North Dakota Century Code which relate to elementary and secondary education for the purpose of reconciling any inconsistencies or irregularities.

HCR 3044: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a putative fathers' adoption registry.

HCR 3045: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing an at-home infant child care program.

HCR 3026: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of wind energy development in North Dakota.

HCR 3032: A concurrent resolution urging the director of the Department of Transportation place into the state highway system the route from the South Dakota border through Venturia, Ashley, and Lehr to Interstate 94; the route from Cross Ranch State Park to State Highway 200A; and the route from U.S. Highway 2 near York to State Highway 17.

HCR 3033: A concurrent resolution urging Congress to acknowledge the difference between marijuana and industrial hemp; to acknowledge that allowing and encouraging farmers to produce industrial hemp will improve the balance of trade by promoting domestic

sources of industrial hemp; and to assist United States producers by clearly authorizing the commercial production of industrial hemp and by being the leading advocate for the industrial hemp industry.

HCR 3041: A concurrent resolution urging Congress to hold hearings regarding pricing structures and practices within the agricultural sector, giving particular attention to wheat prices, and to initiate an investigation by the United States Department of Justice regarding the pricing structures and practices within the agricultural sector, giving particular attention to the organizational structure of and relationships between large corporate participants in the purchasing and pricing of agricultural commodities, especially wheat and grains.

HCR 3016: A concurrent resolution urging Congress to make grain grading for federal crop insurance more equivalent to industry standards.

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

HCR 3002, HCR 3016, HCR 3026, HCR 3032, HCR 3033, HCR 3041, HCR 3044, and HCR 3045 passed on a voice vote, and the titles were agreed to.

POINT OF PERSONAL PRIVILEGE

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

REQUEST

REP. BERG REQUESTED that his remarks be printed in the Journal, which request was granted.

Representative Kerzman, Representative Froelich, and I would like to extend legislative congratulations to the Hettinger Black Devils wrestling team for their come-from-behind victory with a pin in the Dual Championship match on Friday, and for repeating as the Class B wrestling individual team champions Saturday. A great team has great supporters, which was demonstrated by awarding the Spirit Award to the Hettinger fans, and their theme, "Taking the State by Storm."

In addition, we would like to recognize the other top 5 teams: Linton, Hillsboro, Lisbon, and Carrington, along with all the wrestlers who competed in the Class B Tournament. Wrestlers are unique athletes to succeed, they must be disciplined, determined, and hard working, and exemplify the character traits of determination, self-reliance, individual responsibility, and physical and mental toughness, the same traits that have helped our citizens build this great state of North Dakota. Congratulations Wrestlers!

SECOND READING OF HOUSE BILL

HB 1386: A BILL for an Act to amend and reenact section 48-01.1-09 of the North Dakota Century Code, relating to construction managers.

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 57 YEAS, 41 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Kempenich; Kingsbury; Klein, F.; Kliniske; Koppang; Kretschmar; Maragos; Monson; Nelson; Nicholas; Nottestad; Pietsch; Pollert; Price; Renner; Rennerfeldt; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Wald; Weiler; Weisz; Wikenheiser; Wrangham; Speaker Bernstein

NAYS: Aarsvold; Boucher; Byerly; Cleary; Dosch; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleson; Hanson; Hunskor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein, M.; Klemm; Koppelman; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Mueller; Niemeier; Onstad; Porter; Ruby; Sandvig; Schmidt; Solberg; Thorpe; Timm; Warner; Wentz; Winrich

Engrossed HB 1386 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1145: A BILL for an Act to amend and reenact sections 15-40.1-07 and 15-40.1-08 of the North Dakota Century Code or in the alternative to amend and reenact sections 15.1-27-06 and 15.1-27-07 of the North Dakota Century Code, relating to the adjustment of weighting factors for per student state aid payments to school districts.

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 62 YEAS, 36 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; Delmore; Disrud; Dosch; Eckre; Ekstrom; Galvin; Glassheim; Grande; Grosz; Haas; Hanson; Hawken; Herbel; Jensen; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Mahoney; Maragos; Martinson; Meier; Metcalf; Nicholas; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wald; Weiler; Wentz; Winrich; Wrangham; Speaker Bernstein

NAYS: Aarsvold; Boehm; Boucher; Brandenburg; Brusegaard; DeKrey; Delzer; Devlin; Drovdal; Fairfield; Froelich; Froseth; Grumbo; Gulleon; Gunter; Huether; Hunskor; Johnson, D.; Kempenich; Kerzman; Kretschar; Lemieux; Lloyd; Monson; Mueller; Nelson; Niemeier; Onstad; Renner; Schmidt; Severson; Solberg; Tieman; Warner; Weisz; Wikenheiser

Engrossed HB 1145 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1173: A BILL for an Act to amend and reenact section 39-08-01.3 of the North Dakota Century Code, relating to driving under the influence of intoxicating liquor repeat offenders.

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 82 YEAS, 16 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Boehm; Delzer; Drovdal; Froelich; Gunter; Kempenich; Kingsbury; Klein, F.; Monson; Renner; Ruby; Skarphol; Thorpe; Timm; Wald; Wrangham

Engrossed HB 1173 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1210: A BILL for an Act to create and enact a new section to chapter 54-21.3 of the North Dakota Century Code, relating to recognition of third-party building, electrical, fire, and plumbing inspections for modular residential and commercial structures.

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 84 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Disrud; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken;

Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

NAYS: Brusegaard; Cleary; Devlin; Dosch; Eckre; Fairfield; Glassheim; Kelsh, S.; Kingsbury; Kroeber; Nelson; Sandvig; Thoreson, L.; Winrich

Engrossed HB 1210 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1220: A BILL for an Act to amend and reenact subsection 2 of section 39-06-01.1 of the North Dakota Century Code, relating to restricted operators' licenses for minors.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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; 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: Froelich; Price

Engrossed HB 1220 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1318: A BILL for an Act to amend and reenact subsection 2 of section 16.1-05-01, subsection 2 of section 16.1-07-08, subsection 3 of section 16.1-10-01, sections 16.1-10-02, 16.1-10-04.1, 16.1-11-18, 16.1-11-19, and 16.1-15-25 of the North Dakota Century Code, relating to political party reorganization, election officer appointment, absentee ballot affidavits, corrupt election practices, and filling vacancies; and to repeal sections 16.1-12-08 and 46-05-05 of the North Dakota Century Code, relating to filling vacancies and rates for political announcements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 72 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Boucher; Cleary; Delmore; Ekstrom; Fairfield; Froelich; Glassheim; Gulleson; Hanson; Hunskor; Kelsh, S.; Kempenich; Kerzman; Kroeber; Lemieux; Mahoney; Metcalf; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Thorpe; Warner; Winrich

Engrossed HB 1318 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1327: A BILL for an Act to amend and reenact sections 58-06-02, 58-07-01, 58-08-01, and 58-09-02 of the North Dakota Century Code, relating to compensation of township officers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 2 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; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; 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; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Lloyd; Wald

ABSENT AND NOT VOTING: Glassheim

Engrossed HB 1327 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1338: A BILL for an Act to restrict the sale and use of genetically modified wheat seed; 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 68 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Boehm; Boucher; Brandenburg; Brekke; Carlisle; Carlson; Cleary; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Grande; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Kasper; Kelsh, S.; Kerzman; Kingsbury; Klein, M.; Koppang; Kroeber; Lemieux; Maragos; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Renner; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Warner; Weiler; Wentz; Winrich; Wrangham; Speaker Bernstein

NAYS: Bellew; Berg; Brusegaard; Byerly; Clark; DeKrey; Delzer; Grosz; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein, F.; Klemin; Kliniske; Koppelman; Kretschmar; Lloyd; Mahoney; Martinson; Meier; Porter; Price; Rennerfeldt; Ruby; Timm; Wald; Weisz; Wikenheiser

ABSENT AND NOT VOTING: Glassheim

Engrossed HB 1338 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1355: A BILL for an Act to amend and reenact section 48-05-01 of the North Dakota Century Code, relating to the display of flags at the state capitol.

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

YEAS: Aarsvold; Boehm; Boucher; Cleary; DeKrey; Delmore; Disrud; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleson; Gunter; Hanson; Hawken; Huether; Hunskor; Jensen; Johnson, D.; Kelsh, S.; Kerzman; Klein, F.; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Metcalf; Mueller; Nelson; Niemeier; Onstad; Renner; Sandvig; Schmidt; Solberg; Thorpe; Warner; Wentz; Winrich

NAYS: Bellew; Belter; Berg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Delzer; Devlin; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Haas; Herbel; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Meier; Monson; Nicholas; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wikenheiser; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Brandenburg

Engrossed HB 1355 lost.

SECOND READING OF HOUSE BILL

HB 1391: A BILL for an Act to amend and reenact sections 23-37-01, 23-37-02, 23-37-03, 23-37-04, 23-37-05, 23-37-06, 23-37-07, 23-37-08, 23-37-09, 23-37-10, 23-37-11, 23-37-12, 23-37-13, 23-37-14, 23-37-15, 23-37-16, 23-37-17, 23-37-18, 23-37-19, 23-37-20, 23-37-21, 23-37-22, 23-37-23, 23-37-24, 23-37-25, 23-37-26, 23-37-27, 23-37-28, 23-37-29, and 23-37-30 of the North Dakota Century Code, relating to petroleum release remediation.

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 1391 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1423: A BILL for an Act to amend and reenact sections 18-08-12, 18-12-25, and 54-21.3-03 of the North Dakota Century Code, relating to the state building code; and to provide for transition.

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, 4 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; 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;

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; Wrangham; Speaker Bernstein

NAYS: Fairfield; Kroeber; Lemieux; Winrich

Engrossed HB 1423 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1431: A BILL for an Act to provide for a legislative council study of this state's correctional system.

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 1431 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1447: A BILL for an Act to provide for consumer privacy protection of information in financial institution records; and to provide a contingent effective clause.

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

YEAS: Carlson; Delzer; Galvin; Glassheim; Kasper; Keiser; Klein, M.; Lloyd; Thoreson, B.

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

Engrossed HB 1447 lost.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. M. KLEIN MOVED that the conference committee report on HCR 3003 be adopted, which motion prevailed.

HCR 3003, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1455: A BILL for an Act to amend and reenact subsection 1 of section 28-32-14 and sections 28-32-17, 28-32-19, subsection 1 of section 28-34-01, and section 54-57-03 of the North Dakota Century Code, relating to finality of decisions of administrative law judges in adjudicative proceedings of administrative agencies and appeals from decisions of local governing bodies.

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, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; 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; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

NAYS: Boucher; Delmore; Froelich; Mahoney; Ruby; Winrich

Engrossed HB 1455 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1456: A BILL for an Act to create and enact a new section to chapter 16.1-08.1 of the North Dakota Century Code, relating to the filing of campaign contribution statements by political committees; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 1456 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1459: A BILL for an Act to create and enact a new section to title 39 of the North Dakota Century Code, relating to theft of motor fuels; and to provide a penalty.

ROLL CALL

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

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman;

Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; 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; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Speaker Bernstein

NAYS: Brusegaard; Delzer; Drovdal; Kasper; Skarphol; Wrangham

Engrossed HB 1459 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1468: A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to nonresident hunting fees; to amend and reenact subsection 1 of section 20.1-03-07, section 20.1-03-07.1, and subsections 2, 7, 8, 37, 38, and 39 of section 20.1-03-12 of the North Dakota Century Code, relating to nonresident hunting and fishing licenses and fees; 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 69 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Ekstrom; Fairfield; Galvin; Glassheim; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Huether; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klein, M.; Klemin; Kliniske; Koppelman; Kroeber; Lloyd; Metcalf; Mueller; Nelson; Nicholas; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Schmidt; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Wald; Warner; Weiler; Weisz; Winrich; Wrangham; Speaker Bernstein

NAYS: Aarsvold; Boehm; Boucher; Brusegaard; Eckre; Froelich; Froseth; Gulleon; Herbel; Hunskor; Kerzman; Kingsbury; Klein, F.; Koppang; Kretschmar; Lemieux; Mahoney; Maragos; Martinson; Meier; Monson; Niemeier; Renner; Sandvig; Solberg; Thorpe; Timm; Wentz; Wikenheiser

Engrossed HB 1468 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1469: A BILL for an Act to provide that certain custom agricultural operation employment is exempt from workers' compensation coverage.

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; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Engrossed HB 1469 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1474: A BILL for an Act to amend and reenact section 54-03-27 of the North Dakota Century Code, relating to a leave of absence from employment for service in the legislative assembly.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 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.; Kelsch, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Kerzman; Severson

Engrossed HB 1474 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1476: A BILL for an Act to provide for job service North Dakota employee training and data collection on domestic violence; and to amend and reenact subsection 3 of section 52-06-01, subsection 1 of section 52-06-02, and section 52-06-36 of the North Dakota Century Code, relating to domestic violence victim eligibility for unemployment compensation benefits.

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 46 YEAS, 52 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brekke; Cleary; Delmore; Disrud; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gullerson; Gunter; Hanson; Hawken; Huether; Hunskor; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kelsch, S.; Kerzman; Klemin; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Mueller; Nicholas; Niemeier; Nottestad; Onstad; Price; Sandvig; Schmidt; Solberg; Thorpe; Warner; Wentz; Winrich

NAYS: Bellew; Belter; Berg; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Haas; Herbel; Johnson, D.; Kasper; Kempenich; Kingsbury; Klein, F.; Klein, M.; Kliniske; Koppang; Koppelman; Lloyd; Monson; Nelson; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wikenheiser; Wrangham; Speaker Bernstein

Engrossed HB 1476 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3019: A concurrent resolution urging that if the Congress of the United States authorizes the return of federal lands around Lake Sakakawea and Lake Oahe to the Three Affiliated Tribes and the Standing Rock Sioux Tribe, that the interests of all persons, including the affected Indian tribes, in lands and resources on those lands that are adjacent to Lake Sakakawea and Lake Oahe be protected, that individuals who have invested resources in developing the recreational facilities around Lake Sakakawea and Lake Oahe be guaranteed free access to those facilities, and that other excess federal lands acquired for the Pick-Sloan Project be returned to their original owners, their heirs, or the state of North Dakota.

ROLL CALL

The question being on the final passage of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; 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; Wrangham; Speaker Bernstein

NAYS: Froelich; Gulleason; Kelsh, S.; Kerzman; Kroeber; Lemieux; Winrich

ABSENT AND NOT VOTING: Boucher; Herbel; Kingsbury

Engrossed HCR 3019 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2001, SB 2023, SB 2175.

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 2002, SB 2016, SB 2042, SB 2159, SB 2163, SB 2239, SB 2278, SB 2297, SB 2309.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled resolutions: SCR 4002, SCR 4039.

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 1084, HB 1085, HB 1229, HB 1300, HB 1321, HB 1326, HB 1358, HB 1367, HB 1398, HB 1444, HB 1451, HCR 3007, HCR 3012, HCR 3018, HCR 3029, HCR 3031, HCR 3046, HCR 3048.

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

MR. PRESIDENT: The Speaker has signed: SCR 4002, SCR 4039.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HCR 3003.

REPORT OF STANDING COMMITTEE

HB 1034: Appropriations Committee (Rep. Timm, Chairman) recommends **DO NOT PASS** (14 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1034 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1045: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1045 was placed on the Sixth order on the calendar.

Page 14, line 18, replace "to exceed" with "in excess of"

Page 15, line 21, replace "and written" with "evaluation"

Page 15, line 22, remove "evaluations"

Page 18, line 26, replace "to exceed" with "in excess of"

Page 23, line 2, replace "to exceed" with "in excess of"

Page 29, line 1, replace "special school board meeting" with "hearing"

Page 29, line 4, replace "special school" with "hearing"

Page 29, line 5, remove "board meeting"

Page 29, line 15, replace "**Meeting**" with "**Hearing**"

Page 29, line 16, replace "special school board meeting" with "hearing"

Page 29, line 29, replace "meeting" with "hearing"

Page 30, line 2, replace "special meeting" with "hearing"

Page 30, line 4, replace "meeting" with "hearing"

Page 30, line 6, replace "meeting" with "hearing"

Page 30, line 10, remove "for a period determined by the board but"

Page 31, line 29, remove "for a period determined by the board, but"

Page 32, line 6, replace "If an individual employed as" with "The board of a school district may not discharge or refuse to renew the contract of" and remove the second "as"

Page 32, line 7, replace "is the subject of an investigation alleging" with "solely because a report of suspected"

Page 32, line 8, replace "and it is determined that no probable cause exists to" with "alleges participation by the individual."

2. If a report of suspected child abuse or neglect under section 50-25.1-05 alleges participation by a teacher, a principal, or an assistant or associate superintendent, the board of a school district may suspend the individual pending the outcome of the case."

Page 32, remove lines 9 through 22

Page 34, line 7, after "licensed" insert "to teach"

Page 37, line 17, replace "The formulation of an agreement" with "Formation of a contract"

Page 37, line 19, replace "agreement" with "contract"

Page 39, line 16, replace "No teacher, administrator, or" with "Teachers and administrators employed by school districts may not participate in a strike. The board of a school district may withhold some or all the wages otherwise due a teacher or an administrator who elects to participate in a strike in violation of this section."

Page 39, remove lines 17 and 18

Page 45, line 25, remove "school board"

Page 45, line 26, remove "member, school superintendent, principal, truant officer," and replace ", and county superintendent of" with "and administrator"

Page 45, line 27, remove "schools"

Page 47, line 6, remove "industrial arts,"

Page 47, line 12, replace "Each unit, other than a natural" with:

- "1. Except as provided in subsection 2, each unit"

Page 47, line 13, remove "science unit,"

Page 47, line 14, replace "Each natural science unit" with:

- "2. The following units"

Page 47, line 15, replace ". The requirements of this section are subject to" with ": natural sciences, agriculture, business and office technology, marketing, diversified occupations, trade and industrial education, technology education, and health careers.

3. The hour requirements of this section are subject to reductions resulting from"

Page 54, line 11, replace "**Individualized education**" with "**Services**"

Page 64, line 6, after ".50" insert "adjusted by seventy-five percent of the difference between .50"

Page 80, line 3, after "forward" insert "the amounts collected, together with"

Page 80, line 20, remove "or institution"

Page 91, line 22, after "to" insert "and from"

Page 93, after line 30, insert:

- "3. This section does not apply to a school district that owns its own buses and employs its own busdrivers."

Page 98, line 24, after "made" insert "to the admitting district"

Page 101, line 17, replace "**Powers and duties**" with "**Assistance to school districts**"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1074: 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 1074 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "common schools" with "lands and minerals"

Page 1, line 5, replace "**common schools**" with "**lands and minerals**"

Page 1, line 7, replace "common schools" with "lands and minerals"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 226 - Land Department - House Action

This amendment requires the Board of University and School Lands to transfer certain mineral interests in Stark County to the lands and minerals trust fund.

REPORT OF STANDING COMMITTEE

HB 1182: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1182 was placed on the Sixth order on the calendar.

Page 2, after line 10, insert:

- "c. Other persons or entities located on property owned or leased by the institution and offering products and services intended primarily for the benefit of institution employees, students, or guests;"

Page 2, line 11, replace "c" with "d"

Page 2, line 13, replace "d" with "e"

Page 2, line 17, replace "e" with "f"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1252: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1252 was placed on the Sixth order on the calendar.

Page 2, line 1, after "by" insert "the" and after "law" insert "of this state or the law of the state in which the instrument or document was executed"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1270: Appropriations Committee (Rep. Timm, Chairman) recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1270 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1287: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 00 NAYS, 1 ABSENT AND NOT VOTING). HB 1287 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "chemicals" with "pesticides"

Page 1, line 7, replace "**Certified as chemical-free**" with "**Certification**"

Page 1, line 10, remove "sanitary"

Page 1, line 12, replace "chemical" with "pesticide"

Page 1, line 15, replace "trace of any chemical" with "pesticide"

Page 1, line 17, replace "trace of any chemical" with "pesticide"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1319: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1319 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "paragraph" with "paragraphs" and after "1" insert "and 2"

Page 1, line 3, after "corporations" insert "and limited liability companies"

Page 1, line 5, replace "Paragraph" with "Paragraphs" and after "1" insert "and 2"

Page 1, line 6, replace "is" with "are"

Page 1, after line 17, insert:

"(2) Any manager of a limited liability company. If a limited liability company manager is employed by the limited liability company in which one-fourth or more of the ownership interest, however designated, is owned or controlled by the manager or by the manager's parent, child, spouse, or by any combination of them, the limited liability company with the concurrence of the manager may exclude that manager's service from employment as of the first day of January of any calendar year if, during January of that year, the limited liability company files a written application to exclude the manager's service from employment or as of formation of the limited liability company if, within sixty days of the formation, the limited liability company files a written application to exclude the manager's service from employment."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1344, as engrossed and amended: Appropriations Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1344, as amended, was placed on the Sixth order on the calendar.

Page 1, line 14, replace "forty-nine" with "fifty-five"

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

Page 2, line 3, remove "a." and replace the underscored colon with "is"

Page 2, line 4, remove "(1) is"

Page 2, line 5, remove the underscored semicolon

Page 2, remove lines 6 and 7

Page 2, line 8, remove "classroom instruction"

Page 2, line 9, remove "b."

Page 2, line 12, remove the second "and"

Page 2, line 13, replace "unless such individuals meet the requirements of" with "and"

Page 2, remove line 14

Page 2, line 15, remove "c. The term does not include individuals employed as" and remove "or"

Page 2, remove lines 16 and 17

Page 2, line 18, remove "practices board is not required"

Page 3, line 23, replace "forty" with "fifty-five"

Page 3, line 24, replace "fifty" with "seventy-eight"

Page 4, line 3, remove "a." and replace the underscored colon with "is"

Page 4, line 4, remove "(1) is"

Page 4, line 5, remove the underscored semicolon

Page 4, remove lines 6 and 7

Page 4, line 8, remove "classroom instruction"

Page 4, line 9, remove "b."

Page 4, line 12, remove the second "and"

Page 4, line 13, replace "unless such individuals meet the requirements of" with "and"

Page 4, remove line 14

Page 4, line 15, remove "c. The term does not include individuals employed as" and remove "or"

Page 4, remove lines 16 and 17

Page 4, line 18, remove "practices board is not required"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1377: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

PASS (7 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). HB 1377 was placed on the Sixth order on the calendar.

Page 1, line 7, after "Dakota" insert "or other sources"

Page 1, line 10, replace ", subject to the following conditions:" with a period

Page 1, remove lines 11 through 15

Page 1, line 16, remove "4." and replace "establishes" with "may establish"

Page 1, line 18, replace "is" with "must be"

Page 1, remove lines 19 through 21

Page 1, line 22, remove "7." and replace "reverts back" to "must revert"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1399: Finance and Taxation Committee (Rep. Carlson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1399 was placed on the Sixth order on the calendar.

Page 1, line 17, after "federal" insert "adjusted gross income and a federal"

Page 1, line 21, replace "three" with "two and seven-tenths"

Page 1, line 22, after "year" insert "if the individual's, estate's, or trust's federal adjusted gross income that is taxable to this state for the taxable year is less than fifty-five thousand dollars, or less than one hundred ten thousand dollars for a husband and wife filing a joint state income tax return. This tax is three and seven-tenths percent of the individual's, estate's, or trust's adjusted federal taxable income that is taxable to this state for the taxable year if the individual's, estate's, or trust's federal adjusted gross income that is taxable to this state for the taxable year is fifty-five thousand dollars or more, or one hundred ten thousand dollars or more for a husband and wife filing a joint state income tax return"

Page 2, line 7, remove "Eight thousand dollars for a husband and wife filing a joint state income tax"

Page 2, remove line 8

Page 2, line 9, remove "b."

Page 2, line 12, remove the overstrike over "~~b.~~" and remove "c."

Page 2, line 18, remove the overstrike over "~~e.~~" and remove "d."

Page 5, after line 23, insert:

"10. A taxpayer filing a return under this section is entitled to a credit of up to one hundred twenty dollars, or two hundred forty dollars for a husband and wife filing a joint state income tax return, based on payments by the taxpayer during the taxable year of any of the following:

- a. Twenty percent of property taxes paid on property in this state which includes the primary residence occupied by the taxpayer during the taxable year.
- b. Ten percent of rent paid by the taxpayer for residential property in this state occupied by the taxpayer as a primary residence during the taxable year.
- c. Twenty percent of mobile home tax paid under chapter 57-55 and lot rent paid in this state by the taxpayer for a mobile home occupied by the taxpayer as a primary residence during the taxable year."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1435: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1435 was placed on the Sixth order on the calendar.

Page 1, line 15, remove "or"

Page 1, line 18, replace the period with ";

- d. Preclude contracting standards that have a preferential effect for federally recognized Indian tribes and tribal entities;
- e. Prohibit an employment preference for enrolled members of federally recognized Indian tribes whose principal duties are on behalf of state activity, program, department, agency, instrumentality, or political subdivision that primarily benefits Indians or federally recognized Indian tribes;
- f. Prohibit an employment or contracting preference for enrolled members of federally recognized Indian tribes under any contract funded in whole or in part by the state where the principal activities of the contract are undertaken on an Indian reservation within the state; or
- g. Prohibit any educational program, including any program offering scholarships or loans, which is intended to benefit primarily or exclusively students who are economically disadvantaged and who are enrolled members of federally recognized Indian tribes."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1442: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1442 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 relating to the sampling of genetically modified crops; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**SECTION 1. Genetically modified seed - Patent infringement - Sampling - Mediation.**

1. For purposes of this section, farmer means the person responsible for planting a crop on, managing the crop, and harvesting the crop from land on which a patent infringement is alleged to have occurred.
2. a. Before a person holding a patent on a genetically modified seed may enter upon any land farmed by another for the purpose of obtaining crop samples to determine whether patent infringement has occurred, the person holding the patent:
 - (1) Shall notify the agriculture commissioner in writing of the person's belief that a patent infringement has occurred and include facts justifying the belief;
 - (2) Shall notify the farmer in writing of the person's belief that a patent infringement has occurred and request written permission to enter upon the farmer's land; and
 - (3) Must obtain the written permission of the farmer.
- b. If the farmer withholds written permission, the person holding a patent may petition the federal district court having jurisdiction over that

portion of this state in which the farmer's land is located for an order granting permission to enter upon the farmer's land.

3. Unless a shorter period of time is agreed to in writing or ordered by the federal district court, samples may not be collected until a period of at least five days has passed from the time the farmer gave written permission or from the date of the court order. The farmer may accompany the person holding the patent at the time any samples are taken.
4. An independent agent agreed to by both parties also must accompany the person holding the patent at the time any sample is taken.
5. If the person holding a patent believes that the crop from which samples are to be taken may be subject to intentional damage or destruction, the person may seek a protection order from the federal district court. The protection order may not interrupt or interfere with normal farming practices, including harvest and tillage.
6. The person holding the patent may take crop samples from only a standing crop or representative standing plants in the field. Upon a showing of good cause, the person holding the patent may collect seed samples from crops remaining in the field after harvest.
7. The person holding the patent may obtain no more samples than those reasonably necessary to make a determination regarding patent infringement. An equal number of samples must remain in the custody of the independent agent agreed to by both parties for future comparison and verification purposes. All samples taken must be placed in containers, labeled as to the date, time, and location from which they were taken, and the labels must be signed by the farmer, the person holding the patent, and the independent agent agreed to by both parties. The person holding the patent shall supply the containers for that person's samples. The independent agent shall supply the containers for the agent's samples and the farmer shall bear the cost of the agent's containers.
8. Within sixty days from the date the samples are taken, an independent laboratory shall conduct all tests to determine whether patent infringement has occurred. The person holding the patent shall notify the farmer of the test results, by certified mail or by any other method of delivery for which a signature is required, within ten days from the date the samples were analyzed. If the person holding the patent fails to comply with the dates set forth in this subsection, the crop samples may not be used as evidence in any claim alleging patent infringement.
9. If a dispute between the farmer and the person holding the patent remains after the samples have been analyzed, the farmer may require the person holding the patent to participate in mediation of the matter. The mediation must be conducted by a mediator jointly selected by the farmer and the person holding the patent. If the farmer and the person holding the patent are unable to select a mediator, the mediation must be conducted by the agricultural mediation service.
10. If the case is not settled after mediation, either party may file a claim with the state seed arbitration board. The board may require that additional independent tests be conducted.
11. If the case is not settled after arbitration, either party may file a claim for relief with the federal district court having jurisdiction over that portion of this state in which the farmer's land is located. This requirement, if the claim is based on a contract, is deemed to be part of the contract, regardless of whether the contract is written or oral.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3035: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3035 was placed on the Sixth order on the calendar.

Page 1, line 1, after "owning" insert a comma

Page 1, line 2, remove "or", after "feeding" insert ", or controlling", and after "slaughter" insert "and to amend the federal Packers and Stockyards Act to accomplish this goal"

Page 1, line 16, replace "or" with a comma and after "feeding" insert ", or controlling"

Page 1, line 17, after "slaughter" insert "and to amend the federal Packers and Stockyards Act to accomplish this goal"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3042: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3042 was placed on the Sixth order on the calendar.

Page 1, line 12, remove "comparably priced"

Page 1, remove lines 14 through 16

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3051: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3051 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2050: Appropriations Committee (Rep. Timm, Chairman) recommends **DO NOT PASS** (14 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). SB 2050 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2075: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2075 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2077: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2077 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2302, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2302 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2326, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2326 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2350: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2350 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Boucher, Carlson, Herbel, Kerzman, Price and Sen. Krauter introduced:

HCR 3062: A concurrent resolution directing the Legislative Council to study issues relating to the high and rising cost of prescription drugs in the United States and inequitable prescription drug pricing in the United States and possible methods of containing prescription drug costs.

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

Reps. Svedjan, R. Kelsch, Porter, Price introduced:

HCR 3063: A concurrent resolution directing the Legislative Council to study the impact of fathers not being involved in their children's lives and identify potential programs and funding sources to address that impact.

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

Reps. Ekstrom, Fairfield, Jensen and Sen. Heitkamp introduced:

HCR 3064: A concurrent resolution directing the Legislative Council to study workers' compensation fraud by employers, attorneys, health care providers, and rehabilitation service providers in order to identify the financial impact of such fraud on the North Dakota workers' compensation fund, the most appropriate method of addressing such fraud, and the cost of addressing such fraud.

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

Reps. Weisz, Pollert and Sens. Klein, Wanzek introduced:

HCR 3065: A concurrent resolution directing the Legislative Council to study the negative impact due to diminishing rail access and service, the cost to industry, business, and communities of shifting rail services to state and local highway systems, and the feasibility and desirability of funding enhanced rail facilities including an intermodal rail facility in this state.

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

Reps. Boucher, Berg and Sens. Krauter, D. Mathern introduced:

HCR 3066: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of creating a commerce cabinet to monitor and assess the development of state policy regarding economics, population, and business growth.

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

Reps. Boucher, DeKrey, Mahoney introduced:

HCR 3067: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a behavior modification academy for certain adult and juvenile offenders.

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

Reps. Hawken, R. Kelsch, S. Kelsh and Sens. Kelsh, D. Mathern introduced:

HCR 3068: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of creating a tiered early childhood facility licensure system that requires licensure of facilities not required to be licensed under the current system.

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

Reps. Niemeier, Gulleson, Metcalf and Sen. Fischer introduced:

HCR 3069: A concurrent resolution directing the Legislative Council to study methods to better protect the health of children in the state.

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

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Ninth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Wednesday, February 21, 2001, which motion prevailed.

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

MARK L. JOHNSON, Chief Clerk