

JOURNAL OF THE HOUSE**Fifty-seventh Legislative Assembly**

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Bismarck, March 21, 2001

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

The prayer was offered by Pastor Bob Nordvall, Charity Lutheran Church, Bismarck.

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

A quorum was declared by the Speaker.

POINT OF PERSONAL PRIVILEGE

REP. MUELLER: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

REQUEST

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

Ladies and gentlemen, I am proud to rise today in recognition of National Agriculture week. This is a prime opportunity to everyone to reflect upon the contributions agriculture has made to progress and prosperity in the world. North Dakota farmers and ranchers are to be acknowledged and celebrated for their hard work and dedication to feeding the world.

The face of agriculture has changed dramatically in recent years. Today's farmers and ranchers compete in a global market, a new economy, that presents challenges and opportunity. Today's farmer is a businessman, an entrepreneur, a soil scientist and a conservationist, a mechanical engineer, an animal caretaker, an accountant, a computer programmer and a financial planner. More than likely, that farmer is also a spouse and parent, active in the community and church. That same farmer is also ready to come to a neighbor's aid when trouble strikes.

North Dakota farmers and ranchers are meeting those challenges with courage.

Agriculture is still our leading industry--\$2.8 billion industry with exports valued at more than a billion dollars.

More than 90 percent of the land in North Dakota - almost 40 million acres - is dedicated to farming and ranching.

Agriculture and ag-related businesses and industries employ thousands of North Dakotans.

Our farms and ranches provide food and habitat for 75 percent of the state's wildlife.

Although the past few years have been tough, the ag economy will survive because its goal is a noble one: feeding the world. During this National Agriculture week, and always, let's show our appreciation for the contributions of North Dakota farmers and ranchers. Favorable policy decisions and support at the supermarket will help this all-important industry thrive in the 21st century.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 20, 2001, I have signed the following: HB 1031, HB 1044, HB 1047, HB 1074, HB 1089, HB 1118, HB 1154, HB 1167, HB 1175, HB 1185, HB 1186, HB 1199, HB 1205, HB 1225, HB 1236, HB 1239, HB 1252, HB 1271, HB 1277, and HB 1324.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 21, 2001, I have signed the following: HB 1198, HB 1266, HB 1284, HB 1327, HB 1378, HB 1392, HB 1405, and HB 1453.

SIXTH ORDER OF BUSINESS

REP. BELTER MOVED that the amendments on the Sixth order of business to SB 2058 SB 2095, SB 2135, SB 2167, SB 2204, SB 2224, SB 2272, SB 2300, SB 2307, SB 2347, SB 2389, SB 2419, SB 2420, and SB 2455 be adopted, which motion prevailed.

SB 2058 SB 2095, SB 2135, SB 2167, SB 2204, SB 2224, SB 2272, SB 2300, SB 2307, SB 2347, SB 2389, SB 2419, SB 2420, and SB 2455, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. KOPPELMAN MOVED that the House reconsider its action whereby SB 2162 failed to pass, which motion prevailed.

MOTION

REP. KOPPELMAN MOVED that SB 2162 be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Koppelman's motion, SB 2162 was rereferred.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

SCR 4004: A concurrent resolution urging Congress to provide a greater opportunity for farmers to participate in retirement investments by allowing withdrawals without penalty when necessary to support family farming operations.

SCR 4006: A concurrent resolution urging Congress to enact legislation to allow farm and ranch risk management (FARRM) accounts and to consider limiting the size of the accounts rather than the time funds may be held in the accounts.

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

SCR 4004 and SCR 4006 passed on a voice vote, and the titles were agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PRICE MOVED that the House do concur in the Senate amendments to HB 1360 as printed on HJ page 981, which motion prevailed on a voice vote.

HB 1360, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1360: A BILL for an Act to create and enact a new section to chapter 43-12.1 of the North Dakota Century Code, relating to a study of nursing needs; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; 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; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; 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: Maragos; Nicholas; Rennerfeldt

Engrossed HB 1360 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to HB 1427 as printed on HJ page 981, which motion prevailed on a voice vote.

HB 1427, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1427: A BILL for an Act to amend and reenact section 51-07-24 of the North Dakota Century Code, relating to prohibition of insurance claims for excessive charges.

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 90 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; 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; 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; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Carlisle; Froelich; Huether; Martinson; Thoreson, B.; Weiler

ABSENT AND NOT VOTING: Nicholas; Rennerfeldt

Engrossed HB 1427 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2278: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to a credit against corporate, individual, estate, and trust income taxes for the payment of a retention bonus to recent graduates in targeted jobs; 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 NOT PASS, the roll was called and there were 37 YEAS, 59 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brekke; Cleary; Delmore; Ekstrom; Fairfield; Froelich; Galvin; Glassheim; Grumbo; Gullerson; Hanson; Hawken; Hunskor; Jensen; Keiser; Kelsh, S.; Kerzman; Klein, F.; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Mueller; Niemeier; Nottestad; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich

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

ABSENT AND NOT VOTING: Nicholas; Rennerfeldt

Engrossed SB 2278 lost.

MOTION

REP. BELTER MOVED that SB 2053 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2358: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to use of replacement crash parts in motor vehicle repairs.

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 22 YEAS, 74 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; Brandenburg; Brusegaard; DeKrey; Delmore; Delzer; Devlin; Dosch; Ekstrom; Glassheim; Gunter; Jensen; Klein, M.; Maragos; Nelson; Onstad; Pollert; Price; Ruby; Warner; Weisz; Wentz

NAYS: Aarsvold; Bellew; Belter; Boehm; Boucher; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; Disrud; Drovdal; Eckre; Fairfield; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo; Gulleston; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Niemeier; Nottestad; Pietsch; Porter; Renner; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Weiler; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Nicholas; Rennerfeldt

Engrossed SB 2358 lost.

SECOND READING OF SENATE BILL

SB 2298: A BILL for an Act to amend and reenact section 11-11-55.1 of the North Dakota Century Code, relating to special assessment levies by counties.

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 88 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; 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; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Renner; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Bellew; Boucher; Froelich; Gulleston; Lemieux; Price; Thorpe

ABSENT AND NOT VOTING: Delzer; Nicholas; Rennerfeldt

SB 2298 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2346: A BILL for an Act to amend and reenact section 40-22-18 of the North Dakota Century Code, relating to exclusion of tax-exempt property from consideration in protests against special improvement projects.

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 2 YEAS, 91 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Nottestad; Thoreson, L.

NAYS: Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; 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; Onstad; Pietsch; Pollert; Porter; Price; Renner; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Boucher; Delzer; Nicholas; Rennerfeldt; Warner

SB 2346 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4003: A concurrent resolution urging Congress to reduce or eliminate the impediment of capital gains and estate taxes on passage of property to succeeding generations.

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4003 passed on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4005: A concurrent resolution urging Congress to reduce or eliminate capital gains taxes on inflationary valuation increases of farm and ranch property.

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4005 passed on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing classifications for roads and unproductive land for property tax purposes.

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS.

SCR 4010 was declared lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4021: A concurrent resolution directing the Legislative Council to study individual income tax laws with the objective of determining appropriate measures to enhance the attractiveness of living in North Dakota for young working people.

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

SCR 4021 was declared lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4045: A concurrent resolution for the amendment of section 5 of article X of the Constitution of North Dakota, relating to the taxable status of land held for conservation or wildlife purposes; and to provide an effective date.

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 91 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Clark; Glassheim; Maragos; Weiler; Wentz

ABSENT AND NOT VOTING: Nicholas; Rennerfeldt

SCR 4045 passed and the title was agreed to.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1331, HB 1448.

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 1331, HB 1448.

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

MR. PRESIDENT: The House has amended and subsequently failed: SB 2245.

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

MR. PRESIDENT: The House has passed unchanged: SB 2091, SB 2143, SB 2180, SB 2190, SCR 4024.

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

MR. PRESIDENT: The House has failed to pass: SCR 4040, SCR 4041.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2027, SB 2195, SB 2201, SB 2273, SB 2289, SB 2291, SB 2309, SB 2314.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1066, HB 1189, HB 1206, HB 1245, HB 1289, HB 1322, HB 1391, HB 1409, HB 1423, HB 1437, HB 1459.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1066

Page 1, line 1, after "to" insert "create and enact section 47-30.1-21.1 of the North Dakota Century Code, relating to abandoned property payments; and to"

Page 1, after line 4, insert:

"SECTION 1. Section 47-30.1-21.1 of the North Dakota Century Code is created and enacted as follows:

47-30.1-21.1. Crediting of dividends, interest, or increments to owner's account. Whenever property in the form of stocks, bonds, or cash is paid or delivered to the administrator under this chapter, the owner is entitled to receive any dividends, interest, or other increments realized or accruing on the property. If the property does not have an interest or dividend rate assigned to it, the owner is entitled to receive simple interest at the annual rate of four percent of the property originally received. Interest or dividends do not accrue to an owner after five years from the date of the administrator's original receipt of the property."

Page 1, line 15, remove "electronic or printed"

Page 1, line 16, remove the overstrike over "~~in a newspaper of general circulation in the county in which the property is to~~"

Page 1, line 17, remove the overstrike over "~~be sold~~"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1189

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to cancellation of a minor's driving privileges; and"

Page 1, line 2, replace the second "section" with "sections 39-06-35,"

Page 1, line 6, after the first comma insert "suspended licenses,"

Page 1, after line 8, insert:

"SECTION 1. A new section to chapter 26.1-40 of the North Dakota Century Code is created and enacted as follows:

Cancellation of minor's driving privileges - Effect. An insurer may not use or rely on the cancellation of a minor's driving privileges under section 39-06-01.1 as a reason to cancel, deny, or not renew the automobile insurance policy of the minor or a parent of the minor."

Page 2, after line 19, insert:

"SECTION 5. AMENDMENT. Section 39-06-35 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-06-35. Period of suspension. When the period of suspension imposed under this title ceases, the operator's license or driving privilege that has been suspended may not be returned or reinstated, and remains under suspension, until the operator pays to the director a reinstatement fee of fifty dollars, or twenty-five dollars if the suspension was the result of a suspension under subsection 4, 5, or 7 of section 39-06-03 or subsection 2 of section 39-06-32, or one hundred dollars if the suspension was the result of a violation under section 39-08-01 or chapter 39-20, and, if applicable, until compliance with subsection 3.1 of section 39-06.1-10. Upon payment of the reinstatement fee the license must be returned to the operator. A reinstatement fee is not required for a license to be returned to the operator if the return of the license is due to the findings of a hearing, reexamination of hearing, or court or judicial review under chapter 39-06, 39-06.1, or 39-20."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1206

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

Page 1, after line 22, insert:

"SECTION 2. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying all aspects of improvements by special assessment and property tax assessment and abatements, to include a determination of the true and full value of subsidized housing for property tax assessments, and the homestead tax valuation for senior citizens. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1245

Page 1, line 2, after "number" insert "; and to provide an effective date"

Page 1, line 14, after "number" insert "unless specifically requested by an applicant"

Page 2, after line 5, insert:

"SECTION 2. EFFECTIVE DATE - IMPLEMENTATION. This Act becomes effective on January 1, 2002, and the director of the department of transportation shall implement this Act through regular license issuance, renewal, and replacement procedures."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1289

Page 1, line 11, after "additional" insert "annual", replace "ten" with "fifteen", and replace "to cover the cost of issuing the distinctive number" with "for deposit in the highway fund"

Page 1, line 12, remove the first "plates"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1322

Page 1, line 7, after "for" insert "that portion of"

Page 1, line 8, after "program" insert "which pertains to cattle, horses, and mules"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1391

Page 4, line 2, after "injury" insert "or property damage"

Page 5, line 3, replace "board" with "commissioner"

Page 10, line 9, replace "If" with "In any civil action against the owner, operator, or dealer for damages resulting from a petroleum release, if the pre-leak condition of real estate is an issue and if", replace the first "value" with "pre-leak condition", and replace the second "value" with "condition"

Page 10, line 12, replace "finding does" with "fund may"

Page 10, line 15, after "accepting" insert "monetary" and after "compensation" insert "directly"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1409

Page 1, line 1, remove "a new section to chapter 23-27 and"

Page 1, line 3, remove "; and to provide an effective date"

Page 1, remove lines 5 through 18

Page 2, line 13, replace "with" with "for", after "all" insert "printed and recorded", and replace "to be maintained for at least" with "in accordance with jurisdictional requirements"

Page 2, line 14, remove "one year"

Page 2, line 15, after "available" insert "for 911 calls"

Page 2, line 26, replace "February" with "June"

Page 2, line 27, after the first "of" insert "medical"

Page 4, line 4, replace "nearest available" with "appropriate"

Page 4, line 5, remove "from the cellular site"

Page 4, remove lines 18 and 19

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1423

Page 1, line 1, remove "18-08-12," and remove the second comma

Page 1, remove lines 4 through 22

Page 3, line 18, after "of" insert ":

- a. One representative appointed by the North Dakota chapter of the American institute of architects;
- b. One representative appointed by the North Dakota society of professional engineers;

- c. One representative appointed by the North Dakota association of builders;
- d. One representative appointed by the North Dakota association of mechanical contractors;
- e. One representative appointed by the associated general contractors; and
- f. Representatives of eligible jurisdictions as established by administrative rule."

Page 3, remove line 19

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1437

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 15.1-19 of the North Dakota Century Code, relating to religious and secular speech in schools; and to repeal section 15.1-19-03 of the North Dakota Century Code, relating to periods of silence during a schoolday.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Recitation of prayer - Period of silence - Pledge of allegiance.

1. A student may voluntarily pray aloud or participate in religious speech at any time before, during, or after the school day to the same extent a student may voluntarily speak or participate in secular speech.
2. A school board, school administrator, or teacher may not impose any restriction on the time, place, manner, or location of any student-initiated religious speech or prayer which exceeds the restriction imposed on students' secular speech.
3. A school board may, by resolution, allow a classroom teacher to impose up to one minute of silence for meditation, reflection, or prayer at the beginning of each school day.
4. A school board may authorize the voluntary recitation of the pledge of allegiance by a teacher or one or more students at the beginning of each school day. A student may not be required to recite the pledge of allegiance, stand during the recitation of the pledge of allegiance, or salute the American flag.

SECTION 2. REPEAL. Section 15.1-19-03 of the North Dakota Century Code is repealed."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1459

Page 1, line 13, replace "six" with "up to three"

Page 1, line 15, replace "one year" with "up to six months"

Renumber accordingly

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1114.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1114

In lieu of the amendments to Engrossed House Bill No. 1114 as printed on pages 834 and 835 of the Senate Journal, Engrossed House Bill No. 1114 is amended as follows:

Page 1, line 1, replace "convey" with "sell"

Page 1, line 2, remove ", to the city of Jamestown"

Page 1, line 5, replace "convey" with "sell" and replace "this section to the city of Jamestown, North Dakota," with "subsection 1"

Page 1, line 6, after "services" insert "and may convey the land described in subsection 2 to the city of Jamestown, North Dakota, for two hundred dollars per acre or the most recent appraised value, whichever is higher"

Page 1, line 7, replace "conveyed" with "sold"

Page 1, after line 7, insert:

"1."

Page 2, after line 5, insert:

"2."

Page 2, after line 13, insert:

"3. Sections 54-01-05.2 and 54-01-05.5 do not apply to the transfer of the land described in subsection 2."

Renumber accordingly

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1182 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1182: Reps. Brusegaard; Nelson; Mueller

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1331.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2102 and SB 2197 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2102: Sens. Lyson; Flakoll; Christenson

SB 2197: Sens. Lee; Watne; D. Mathern

REPORT OF STANDING COMMITTEE

SB 2043, as engrossed: 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). Engrossed SB 2043 was placed on the Sixth order on the calendar.

Page 2, line 17, after "purchase" insert "for a period not to exceed thirty-six months"

Page 4, line 1, replace "Section" with "If Senate Bill No. 2251 does not become effective, section"

Page 4, overstrike line 12

Page 4, line 13, overstrike "representing a", remove "workforce training advisory board", and overstrike the comma

Page 4, line 14, remove "one member", overstrike "representing", and remove "city or county"

Page 4, line 15, remove "government; one member representing the greater North Dakota association" and overstrike ", one member"

Page 4, overstrike line 16

Page 4, line 17, overstrike "commission to operate in this state,"

Page 4, line 18, remove "one member representing"

Page 4, line 19, remove "Indian tribes, and one member representing the hospital telemedicine industry" and overstrike the period

Page 5, after line 3, insert:

"SECTION 5. AMENDMENT. If Senate Bill No. 2251 becomes effective, section 54-59-07 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-59-07. ~~Statewide wide area network~~State information technology advisory committee. ~~The statewide wide area network~~ state information technology advisory committee consists of the chief information officer or the officer's designee, who is a nonvoting member; the ~~state court administrator~~ director of the department of economic development and finance or the ~~administrator's~~ director's designee, ~~with the approval of the chief justice of the supreme court;~~ the commissioner of higher education or the commissioner's designee; ~~the chairman of the information technology council of North Dakota or a designee;~~ the director of the North Dakota workforce development council or a designee; the chairman of the educational technology council or a designee; and ~~nine~~eight members appointed by the governor. ~~The governor shall appoint two members representing state agencies, one member representing a county, one member representing a city, two members representing elementary and secondary education, one member representing noncommercial public television stations licensed by the federal communications commission to operate in this state, and two members from private industry who are knowledgeable in the deployment of major technology projects. The governor's appointees from private industry serve two year terms, and other appointees of the governor serve at the pleasure of the governor. The governor shall designate the chairman of the committee. The department shall provide staff services to the committee. Except for the commissioner of higher education and the representatives of state agencies who receive compensation for their duties as state officers or employees, members of the committee are entitled to be compensated for time spent in attendance at meetings of the committee and for other travel as approved by the chairman of the committee at the rate of sixty-two dollars and fifty cents per day and are entitled to reimbursement for their actual and necessary expenses incurred in the same manner as other state officials. The compensation and expenses are to be paid from appropriations for the department. The committee shall advise the department with respect to planning and implementation of wide area network services provided by the department regarding statewide information technology planning, including providing electronic government services for citizens and businesses, developing technology infrastructure to support economic development and workforce training, and developing other statewide information technology initiatives and policy."~~

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2081, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **DO NOT PASS** (16 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2081 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2098, as reengrossed and amended: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2098, as amended, was placed on the Sixth order on the calendar.

Page 1, replace lines 7 through 22 with:

"23-09.3-01.1. Moratorium on expansion of basic care bed capacity.

1. Except when ~~existing beds are converted for use by a nursing facility that converts licensed nursing facility bed capacity to basic care bed capacity or the alzheimer's and related dementia population under the pilot projects provided for in~~ established under section 50-06-14.4 requests licensure of the facility's existing beds as basic care bed capacity, or unless the applicant demonstrates to the department and to the department of human services that a need for additional basic care bed capacity exists, the department may not issue a license under this chapter for any additional

bed capacity above the state's gross licensed capacity of one thousand four hundred seventy-one beds, adjusted by any reduction in beds before July 31, ~~4999~~2001, during the period between August 1, ~~4999~~2001, and July 31, ~~2004~~ 2003.

2. Transfers of existing beds from one municipality to another municipality must be approved if the licensing requirements are met, during the period August 1, ~~4999~~2001, to July 31, ~~2004~~ 2003, only to the extent that for each bed transfer approved the total number of licensed beds in the state is reduced by the same number transferred. Existing licensed beds released by a facility ~~which are not immediately~~ and transferred to another facility ~~may not be banked for future transfer to another facility~~ must become licensed within twenty-four months of transfer.
3. Transfer of existing beds from one municipality to a tribal reservation during the period August 1, 2001, to July 31, 2003, may occur, only to the extent that the facility transferring beds reduces the facility's licensed capacity by an amount equal to twice the number of beds transferred. A tribal facility may seek to participate, within twenty-four months of any transfer of beds, in the basic care assistance program. Basic care assistance payments may only be made to a tribal facility that agrees to participate and adhere to all federal and state requirements of the basic care assistance program including participation, screening, ratesetting, and licensing requirements.
4. Not more than once in a twelve-month period, a nursing facility may convert licensed nursing facility bed capacity to basic care bed capacity or may convert basic care bed capacity licensed after July 1, 2001, as nursing facility capacity to licensed nursing facility bed capacity. At least ninety days before the conversion, the facility shall notify the state department of the facility's intent to convert bed capacity. The converted beds must be located in the same block of rooms within the facility."

Page 2, replace lines 1 through 14 with:

"23-16-01.1. Moratorium on expansion of long-term care bed capacity.

1. Notwithstanding sections 23-16-06 and 23-16-10, except when existing beds are converted for use by the alzheimer's and related dementia population under the projects provided for in section 50-06-14.4 or when a nursing facility converts basic care bed capacity licensed after July 1, 2001, as nursing facility capacity to nursing facility bed capacity, the state department of health may not issue a license for any additional bed capacity above the state's gross licensed capacity of seven thousand one hundred forty beds, adjusted by any reduction in beds before July 31, ~~4999~~ 2001, during the period between August 1, ~~4999~~ 2001, and July 31, ~~2004~~ 2003.
2. Transfers of existing beds from one municipality to another municipality must be approved if the department of health licensing requirements are met, during the period August 1, ~~4999~~ 2001, to July 31, ~~2004~~ 2003, only to the extent that for each bed transfer approved the total number of licensed beds in the state is reduced by the same number transferred. Existing licensed beds released by a facility ~~which are not immediately~~ and transferred to another facility ~~may not be banked for future transfer to another facility~~ must become licensed within twenty-four months of transfer.
3. Transfer of existing beds from one municipality to a tribal reservation during the period August 1, 2001, to July 31, 2003, may occur, only to the extent that the facility transferring beds reduces the facility's licensed capacity by an amount equal to twice the number of beds transferred. A tribal facility may seek to participate, within twenty-four months of any transfer of beds, in the medical assistance program. Medical assistance payments may only be made to a medicaid-certified tribal facility that agrees to participate and adhere to all federal and state requirements of the medical assistance program including participation, screening, ratesetting, and licensing requirements.
4. Not more than once in a twelve-month period, a nursing facility may convert licensed nursing facility bed capacity to basic care bed capacity or may convert basic care bed capacity licensed after July 1, 2001, as nursing

facility capacity to licensed nursing facility bed capacity. At least ninety days before the conversion, the facility shall notify the state department of the facility's intent to convert bed capacity. The converted beds must be located in the same block of rooms within the facility."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2121, as engrossed: 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). Engrossed SB 2121 was placed on the Sixth order on the calendar.

Page 2, line 1, overstrike "is guilty of a class A misdemeanor if that person is claiming" and insert immediately thereafter "who claims"

Page 2, line 2, overstrike the comma and remove "or is an employer of a person claiming"

Page 2, line 3, remove "benefits.", overstrike "and that" and insert immediately thereafter "or the employer of a person who claims benefits or payments for services is guilty of a class A misdemeanor if the", and after "person" insert "or employer does any one or more of the following"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2144, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2144 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "26.1-26-04.1,"

Page 14, line 24, remove "insurance producers" and overstrike "**- Residence requirements**" and insert immediately thereafter "insurance producers"

Page 14, line 25, overstrike "residents of this state and must"

Page 14, line 26, overstrike "be"

Page 16, line 30, overstrike "resident"

Page 17, line 20, overstrike "resident"

Page 18, line 27, overstrike "negotiated with and"

Page 24, after line 4, insert:

"SECTION 54. Section 26.1-26-04.1 of the North Dakota Century Code is created and enacted as follows:

26.1-26-04.1. Fees.

1. Except as provided in subsection 2, an insurance producer acting as an agent of an insured as provided under section 26.1-26-07 may charge a consumer a fee if:
 - a. The fee is disclosed to the consumer in a manner that separately identifies the fee and the premium and states that the insurance producer is entitled to receive a commission from the insurer for selling, soliciting, or negotiating the insurance;
 - b. The fee is not calculated as a percentage of the premium;
 - c. The fee is not refunded, forgiven, waived, offset, or reduced by any commission earned or received for any policy or coverage sold;
 - d. The amount of the fee and the consumer's obligation to pay the fee are not conditioned upon the occurrence of a future event or condition,

such as the purchase, cancellation, lapse, declination, or nonrenewal of insurance;

- e. The insurance producer discloses to the consumer that the fee is being charged by the insurance producer and not by the insurance company, neither state law nor the insurance company requires that the insurance producer charge the fee, and the fee is not refundable;
 - f. The consumer consents in writing to the fee; and
 - g. The insurance producer, in charging the fee, does not discriminate on the basis of sex, race, national origin, religion, disability, health status, age, marital status, or geographic location and does not unfairly discriminate between individuals of essentially the same class and of essentially the same hazard or expectation of life.
2. An insurance producer acting as an agent of an insured as provided under section 26.1-26-07 may not charge a fee for taking or submitting an initial application for coverage or processing a change to an existing policy, cancellation, claim, or renewal in connection with any of the following personal lines policies:
- a. Private passenger automobile.
 - b. Homeowners, including coverage for tenants or condominium owners; owner-occupied fire, dwelling, or property coverage; personal umbrella liability; or any other personal lines-related coverage whether sold as a separate policy or as an endorsement to another personal lines policy.
 - c. Individual life insurance.
 - d. Individual sickness or accident insurance.
 - e. Disability income policies.
 - f. Credit insurance products.
3. Notwithstanding any other provision of this section, an insurance producer acting as a broker for the insured under section 26.1-26-07 may charge a fee for insurance producer services in connection with a policy issued if the producer provides the consumer with prior disclosure of the fee and of the services to be provided.
4. In the event of a dispute between an insurance producer and a consumer regarding any disclosure required by this section, the insurance producer has the burden of proving that the disclosure was made."

Page 27, line 25, replace "Employees" with "An employee" and replace "respond" with "responds"

Page 27, line 26, remove "those"

Page 27, line 27, replace "employees are" with "employee is"

Page 27, line 28, after "services" insert "and provided that employee does not sell, solicit, or negotiate insurance"

Page 32, after line 20, insert:

"6. A nonresident insurance producer shall pay a biennial continuation fee of twenty-five dollars."

Page 44, line 26, after "licensee" insert "knowingly" and replace "an administrative or" with "a"

Page 44, line 28, after "licensee" insert "knowingly" and replace "any" with "a"

Page 44, line 29, remove "administrative or"

Page 45, line 17, replace "of the initial pretrial hearing date" with "after a criminal conviction"

Page 45, line 18, replace "prosecution" with "conviction"

Page 45, line 20, replace "resulting from" with "issued by" and replace "hearing" with "court"

Page 45, line 26, replace "26.1-26-20.1" with "26.1-26-20"

Page 46, line 2, remove "However, a nonresident insurance producer shall pay a"

Page 46, remove lines 3 and 4

Page 50, line 25, overstrike "Resident insurance" and after "agents" insert "Insurance"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2163, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2163 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2177, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2177 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "the Ten Commandments" with "religious objects or documents in public school buildings"

Page 1, line 6, replace "**Ten Commandments**" with "**Religious objects or documents**", replace "An" with "A religious", and replace "containing the words of the" with "of cultural, legal, or historical significance which has influenced the legal and governmental systems of the United States and this state"

Page 1, line 7, remove "Ten Commandments", remove "public school classroom or", and remove the comma

Page 1, line 8, remove "or at any public school event," and after "other" insert "objects or"

Page 1, line 10, replace "an" with "a religious" and replace "containing the words of the Ten" with "under this section"

Page 1, line 11, remove "Commandments"

Page 1, line 13, after the first "the" insert "religious" and after the period insert "A school board shall develop a policy for the proper display of any religious objects or documents."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2106: 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). SB 2106 was placed on the Sixth order on the calendar.

Page 2, line 19, after the second period insert:

"1."

Page 2, line 24, after the period insert:

"2."

Page 2, line 25, after the period insert:

"3. a."

Page 3, line 2, replace "For purposes of this section" with:

"b. For purposes of this subsection"

Page 3, line 3, after "school" insert "district"

Page 3, after line 4, insert:

"c. If any person believes that a school district has violated this subsection, the person may file a complaint with the superintendent of public instruction. Upon receipt of a complaint alleging a violation of this subsection, the superintendent of public instruction shall hold a hearing and accept testimony and evidence regarding the complaint. If the superintendent finds that a school district has violated this subsection, the superintendent may withhold some or all of the transportation aid payments to which the district would be otherwise entitled for a period of one year from the date of the finding. A decision by the superintendent under this subsection is appealable to the state board of public school education. A decision by the state board of public school education is final."

Page 5, line 6, after the period insert:

"a."

Page 5, line 7, overstrike "or indirectly"

Page 5, after line 10, insert:

"b. For purposes of this subsection, directly exerting influence means providing information about the school district to individuals who are not residents of that district unless the information is requested.

c. If any person believes that a school district has violated this subsection, the person may file a complaint with the superintendent of public instruction. Upon receipt of a complaint alleging a violation of this subsection, the superintendent of public instruction shall hold a hearing and accept testimony and evidence regarding the complaint. If the superintendent finds that a school district has violated this subsection, the superintendent may withhold some or all of the transportation aid payments to which the district would be otherwise entitled for a period of one year from the date of the finding. A decision by the superintendent under this subsection is appealable to the state board of public school education. A decision by the state board of public school education is final."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2216, as reengrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **DO PASS** (17 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2216 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2229, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2229 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "\$123,750" with "\$247,500"

Page 1, line 8, remove "The funding may be used only if"

Page 1, remove line 9

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2229 - Adjutant General - Veterans Cemetery

This amendment changes the appropriation from \$123,750 to \$247,500 from the general fund, the amount reflected in the bill as introduced. The amendment also removes the matching funds requirement.

REPORT OF STANDING COMMITTEE

SB 2239, as reengrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2239 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2249: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2249 was placed on the Sixth order on the calendar.

Page 1, line 8, replace the first comma with "or medical" and remove ", or physician's office"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2251, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2251 was placed on the Sixth order on the calendar.

Page 5, after line 24, insert:

- "j. The director of technology for the department of public instruction.
- k. A representative appointed by the governor from a list of three nominees submitted by the state association of non public schools, who is a nonvoting member."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2276, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **DO PASS** (16 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2276 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2294, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **DO NOT PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2294 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2308, as reengrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **DO PASS** (14 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2308 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2359: 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). SB 2359 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "counseling services and leave for railroad crew members following" with "for a critical incident stress debriefing policy; and to provide an expiration date."

Page 1, remove line 2

Page 1, line 4, replace "**Railroad accident - Counseling**" with "**Critical incident stress debriefing policy**"

Page 1, line 5, replace "1. A" with "Each" and replace "provide counseling services or other" with "develop a written"

Page 1, line 6, replace "services to every member of an operating crew involved in an" with "policy and shall provide a copy of the policy to each employee."

SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2003, and after that date is ineffective."

Page 1, remove lines 7 through 22

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2370, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2370 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "ten" with "five"

Page 1, line 14, after the first "check" insert ", payroll check" and after the semicolon insert "and"

Page 1, remove lines 15 through 18

Page 1, line 19, replace "(4)" with "(2)"

Page 1, line 21, remove "and"

Page 1, remove lines 22 through 24

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2371, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2371 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection 12 of section" with "sections" and remove the second "section"

Page 1, line 5, replace "Subsection 12 of section" with "Section"

Page 1, replace lines 7 through 20 with:

"43-11-01. Definitions. In this chapter, unless the context or subject matter thereof otherwise requires:

1. "Board" means the state board of cosmetology.
2. "Cosmetology" means any one or combination of practices generally and usually ~~heretofore and hereafter~~ performed by and known as the occupation of beauty culturists or cosmeticians or cosmetologists or hairdressers, or of any other person holding ~~him or herself~~ oneself out as practicing cosmetology by whatever designation and within the meaning of this chapter and in and upon whatever place or premises; and in particular cosmetology ~~is defined and includes, but otherwise is not limited thereby,~~ the following or any one or a combination of practices: arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the hair of any person by any means or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work on the scalp, face, neck, arms, hands, bust or upper part of the body, or manicuring the nails of any person.
3. "Cosmetology salon" includes that part of any building ~~wherein~~ in which the occupation of a cosmetologist is practiced.
4. "Esthetician" means a person who is licensed by the board to engage in the practice of skin care. An esthetician does not include a professional make-up artist trained in facial make-up application by a cosmetics company.

5. "Homebound" means any person who is ill, disabled, or otherwise unable to travel to a salon.
6. "Instructor" means any person of the age of eighteen years or more, who is a licensed cosmetologist, who teaches cosmetology or any practices taught in a duly registered school of cosmetology, and who has met the requirements of section 43-11-27 and has applied for and received an instructor's license.
7. "Invasive care" means any procedure that invades the live tissue of the dermis, including:
 - a. Laser use, except the use of cold laser technology using nonlinear, pulsed light application for the purpose of biostimulation without the generation of heat; and
 - b. Chemical peels, except for chemical peels using:
 - (1) Thirty percent alpha hydroxy acid, which includes glycolic acid with a pH of 3.0 or higher;
 - (2) Twenty percent beta hydroxy acid, which includes salicylic acid with a pH of 3.0 or higher; or
 - (3) Two percent resorcinol with a pH of 3.0 or higher.
- ~~8.~~ 9. "Manicuring" means the cleansing, cutting, shaping, beautifying, or massaging of the hands, feet, or nails of any person.
- ~~9.~~ 10. "Manicurist" means a person who is licensed by the board to engage in the practice of manicuring.
- ~~10.~~ 11. "Operator" means a person, not a student, who is licensed under the provisions of this chapter to engage in and follow any of the practices of a hairdresser or cosmetologist.
- ~~11.~~ 12. "School of cosmetology" means an establishment operated for the purpose of teaching cosmetology.
- ~~12.~~ 13. "Skin care" means the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, beautifying, or similar work on the scalp, face, neck, arms, hands, bust, or upper part of the body of any person. The term does not include invasive care.
- ~~13.~~ 14. "Student" means any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and while so learning, performs or assists in any of the practices of cosmetology in any school registered or licensed and under the immediate supervision of an instructor licensed as such under this chapter.
- ~~14.~~ 15. "Student instructor" means a cosmetologist who is receiving instruction in teacher's training in a duly registered school of cosmetology.
- ~~15.~~ 16. "Tuition" means the total cost of a person's cosmetology studies, and does not include books or demonstration kits."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2383: Appropriations Committee (Rep. Timm, Chairman) recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2383 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2394, as reengrossed: Finance and Taxation Committee (Rep. Carlson, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2394 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2414: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, ABSENT AND NOT VOTING). SB 2414 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and paragraph 7 of"

Page 1, line 2, remove "subdivision d of subsection 6 of section 50-29-04"

Page 1, line 3, remove "and children's health insurance program"

Page 1, line 4, remove "benefits"

Page 4, remove lines 23 through 25

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4029, as engrossed: Finance and Taxation Committee (Rep. Carlson, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SCR 4029 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4031: Finance and Taxation Committee (Rep. Carlson, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4031 was placed on the Tenth order on the calendar.

MOTION

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

MOTION

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

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

MARK L. JOHNSON, Chief Clerk