

## JOURNAL OF THE HOUSE

### Fifty-eighth Legislative Assembly

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**Bismarck, March 20, 2003**

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

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

The roll was called and all members were present except Representatives Drovdal, Kreidt, and Wentz.

A quorum was declared by the Speaker.

#### SIXTH ORDER OF BUSINESS

**REP. BERG MOVED** that the amendments on the Sixth order of business to SB 2061, SB 2148, SB 2259 and SB 2305 be adopted, which motion prevailed.

SB 2061, SB 2148, SB 2259 and SB 2305, as amended, were placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2217:** A BILL for an Act to create and enact a new section to chapter 43-20 of the North Dakota Century Code, relating to the administration of anesthesia by dental hygienists under dental supervision.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Kerzman; Weiler

**ABSENT AND NOT VOTING:** Drovdal; Kreidt; Wentz

Engrossed SB 2217 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2296:** A BILL for an Act to amend and reenact section 25-03.1-02 and subsection 1 of section 25-03.1-18.1 of the North Dakota Century Code, relating to mental illness commitment procedures.

#### 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.;

Klein, M.; Klemm; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Nicholas

**ABSENT AND NOT VOTING:** Drovdal; Kreidt; Wentz

Engrossed SB 2296 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2348:** A BILL for an Act to create and enact sections 10-33-148 and 10-33-149 and a new subsection to section 50-24.4-15 of the North Dakota Century Code, relating to transactions by nonprofit corporations that operate or control hospitals and nursing homes and property-related costs for nursing homes; to amend and reenact sections 10-33-144, 10-33-145, 10-33-146, and 10-33-147 of the North Dakota Century Code, relating to transactions by nonprofit corporations that operate or control hospitals or nursing homes; and to provide a continuing appropriation.

#### 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Drovdal; Kreidt; Wentz

Engrossed SB 2348 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2321:** A BILL for an Act to amend and reenact section 53-08-05 of the North Dakota Century Code, relating to the limited liability of the owner of land used for recreational purposes.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Kerzman; Winrich

**ABSENT AND NOT VOTING:** Drovdal; Eckre; Kreidt; Wentz

SB 2321 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2328:** A BILL for an Act to amend and reenact sections 29-01-16 and 29-01-19 of the North Dakota Century Code, relating to when misdemeanors or infractions may be compromised.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Drovdal; Eckre; Kreidt; Wentz

Engrossed SB 2328 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2365:** A BILL for an Act to amend and reenact subsection 2 of section 43-25-09 of the North Dakota Century Code, relating to massage therapist continuing education.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Drovdal; Eckre; Kreidt; Wentz

SB 2365 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2372:** A BILL for an Act to amend and reenact subsection 2 of section 15.1-08-06 of the North Dakota Century Code, relating to a cross-reference to a school board nepotism statute; and to repeal section 15.1-09-38 of the North Dakota Century Code, relating to the employment of teachers related to school board members.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Drovdal; Eckre; Kreidt; Wentz

SB 2372 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2074:** A BILL for an Act to amend and reenact section 50-24.1-02.6 of the North Dakota Century Code, relating to eligibility criteria for medical assistance benefits; to repeal section 5 of chapter 425 of the 2001 Session Laws; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Drovdal; Eckre; Kreidt; Wentz

Engrossed SB 2074 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2044:** A BILL for an Act to amend and reenact subsection 2 of section 6-08-16, subdivision p of subsection 4 of section 12.1-32-07, and section 12.1-32-08 of the North Dakota Century Code, relating to the civil penalty for issuing a check or draft without sufficient funds and the collection of restitution for insufficient funds checks; and to provide for a continuing appropriation.

### 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 59 YEAS, 30 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boehning; Brusegaard; Carlisle; Clark; DeKrey; Devlin; Dosch; Ekstrom; Froseth; Grande; Gulleson; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson; Tieman; Uglem; Wald; Warner; Weiler; Wieland; Wikenheiser; Acting Speaker Nicholas

**NAYS:** Bellew; Belter; Bernstein; Boe; Boucher; Carlson; Delmore; Delzer; Froelich; Galvin; Glassheim; Grosz; Haas; Johnson, D.; Kerzman; Klein, F.; Klein, M.; Meier; Potter;

Sandvig; Schmidt; Sitte; Solberg; Thorpe; Timm; Warnke; Weisz; Winrich; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Drovdal; Eckre; Kreidt; Wentz; Williams

SB 2044 passed and the title was agreed to.

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2099: Reps. Drovdal, Grosz, Schmidt.

**MOTION**

**REP. BERG MOVED** to suspend the rules (HR 329) and move the deadline date to March 26th, 2003 for rereferral of bills to Appropriations, which motion prevailed.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1101, HB 1237, HB 1268, HCR 3020, HCR 3025, HCR 3052.

**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 1426.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1426**

Page 1, line 1, remove the first "and"

Page 1, line 3, remove "and" and after "57-15" insert ", a new subdivision to subsection 2 of section 57-38-30.3, and a new subsection to section 57-39.2-04"

Page 1, line 4, after "authorities" insert "and exemption from income, sales, and use taxes", remove "and", and after "date" insert "; and to declare an emergency"

Page 6, line 22, after "all" insert "individual and corporate income" and after "taxes" insert "imposed under sections 57-35.3-03, 57-38-29, 57-38-30, and 57-38-30.3"

Page 8, line 5, after "exemptions" insert "from sales and use taxes the participating political subdivision has imposed" and after "for" insert "tangible"

Page 8, line 6, after the second "the" insert "tangible"

Page 9, line 14, replace "my" with "may"

Page 9, after line 26, insert:

**"SECTION 20.** A new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code is created and enacted as follows:

Reduced by interest and income from bonds issued under this Act.

**SECTION 21.** A new subsection to section 57-39.2-04 of the North Dakota Century Code is created and enacted as follows:

Gross receipts from all sales of tangible personal property purchased by a commerce authority and made a part of the infrastructure of a commerce authority, otherwise taxable under this chapter, if the personal property is placed within the geographic boundaries of the political subdivisions that created the commerce authority and is necessary and directly services infrastructure needs of the commerce authority. The commissioner shall issue a certificate of exemption to a political subdivision exempted by this subsection, and the political subdivision shall present the certificate of exemption to each retailer whenever the exemption is claimed."

Page 9, after line 28, insert:

**"SECTION 23. EMERGENCY.** This Act is declared to be an emergency measure."

ReNUMBER accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1197, HCR 3061.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1197**

Page 1, line 3, after "60-02.1-30" insert ", 60-02.1-34"

Page 2, after line 8, insert:

**"SECTION 3. AMENDMENT.** Section 60-02.1-34 of the North Dakota Century Code is amended and reenacted as follows:

**60-02.1-34. Commission to marshal trust assets.** Upon its appointment, the commission shall marshal all of the trust fund assets. The commission may maintain suits in the name of the state of North Dakota for the benefit of all noncredit-sale claimants against the licensee's bonds, insurers of grain, any person who may have converted any grain, and any person who may have received preferential treatment by being paid by the insolvent licensee after the first default."

Page 4, line 16, replace "fifty" with "eighty"

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3061**

Page 1, line 2, replace "replace the existing" with "tax" and replace "property tax system" with "providers"

Page 1, line 3, remove "replacement" and remove "for electric utility property"

Page 1, after line 7, insert:

**"WHEREAS,** investor-owned electric utilities are subject to state and federal corporate income taxes; and"

Page 1, line 8, remove "property"

Page 1, line 9, after "among" insert "the state and its"

Page 1, line 15, remove "property" and remove "replacement"

Page 1, line 18, remove "property"

Page 1, remove lines 20 and 21

Page 1, line 23, remove "and"

Page 2, remove lines 1 through 3

Page 2, line 7, replace "replace the existing" with "tax", replace "property tax system" with "providers", and remove "replacement"

Page 2, line 8, remove "for electric utility property"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass: HB 1219.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently failed to pass: SB 2216.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2155, SB 2168, SB 2195, and SB 2414.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1082, HB 1168, HB 1227, HB 1235, HB 1239, HB 1249, HB 1322, HB 1336, HB 1498, HCR 3028, HCR 3032.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1037, HB 1246, HB 1292, HB 1321.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1037**

Page 1, remove lines 16 through 21

Page 1, line 22, replace "3." with "2."

Page 1, line 23, replace "temporary" with "foster", replace "permanent" with "adoptive", and after "care" insert "until an adoption is finalized"

Page 2, line 3, remove "- Adoption placement facilitator"

Page 2, line 4, remove "registration"

Page 2, line 5, remove "The department of human services shall register, on forms prescribed and"

Page 2, remove lines 6 and 7

Page 5, line 23, after "child's" insert "parent, stepparent,", after the first comma insert "adult brother or sister, adult", overstrike the second comma, and after "aunt" insert ", or guardian"

Page 5, line 25, remove ". A"

Page 5, remove line 26

Page 5, line 27, remove "person is a facilitator registered with the department of human services"

Page 5, line 29, replace "or to" with an underscored semicolon

Page 5, line 30, after "placement" insert "; facilitate placement of a child by maintaining a list in any form of birth parents or prospective adoptive parents; or advertise in any public medium that the person knows of a child who is available for adoption or is willing to accept a child for adoption or that the person knows of prospective adoptive parents of a child"

ReNUMBER accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1246**

Page 2, line 18, after "of" insert "county"

ReNUMBER accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1292**

Page 1, line 1, replace "section" with "sections" and after "39-24-04" insert "and 39-24-11"

Page 1, line 2, after "fee" insert "; to provide a penalty; to provide an appropriation; and to provide an effective date"

Page 1, after line 24, insert:

**"SECTION 2. AMENDMENT.** Section 39-24-11 of the North Dakota Century Code is amended and reenacted as follows:

**39-24-11. Penalties.** Any person who violates subdivision b or g of subsection 5 of section 39-24-09 is guilty of a class B misdemeanor. Any person who violates subdivision c of subsection 5 of section 39-24-09 is guilty of an infraction or a class B misdemeanor as determined by section 39-24.1-07. Any person who violates subsection 11 of section 39-24-09 is guilty of a class B misdemeanor and must be assessed a fine of at least one hundred dollars. Any person who violates any other provision of section 39-24-09 must be assessed a fee of twenty dollars. Any person, unless specifically exempted, who fails to register or fails to display a decal as required by ~~section~~ sections 39-24-02 and 39-24-04 must be assessed a fee of fifty dollars. If the person provides proof of registration after the violation, the fee may be reduced by one-half. Any person who violates any other provision of this chapter for which a specific penalty is not provided must be assessed a fee of ten dollars.

**SECTION 3. APPROPRIATION.** There is appropriated out of moneys in the state snowmobile fund in the state treasury, not otherwise appropriated, the sum of \$12,000, or so much of the sum as may be necessary, to the parks and recreation department for the purposes of establishing and administering the decal program for snowmobiles registered in another state or country, for the biennium beginning July 1, 2003, and ending June 30, 2005.

**SECTION 4. EFFECTIVE DATE.** Section 1 of this Act becomes effective on August 1, 2005."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1321**

Page 1, line 2, after "guarantees" insert "; and to provide an expiration date"

Page 1, after line 14, insert:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2007, and after that date is ineffective."

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 1243.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1243**

Page 9, line 13, replace "finding" with "grounds"

Page 10, line 26, replace "One" with "Five"

Page 11, line 12, remove "- Gift of ticket to minor"

Page 11, line 13, remove "permitted - Prize paid to parent or guardian or deposited in court"

Page 11, line 14, after "sold" insert "or given"

Page 11, line 15, after "sell" insert "or give"

Page 11, line 16, remove "A lottery ticket may be"

Page 11, remove lines 17 through 20

Page 12, line 7, remove "- Disposition of unclaimed prize"

Page 12, line 18, replace "Information" with "The following information" and remove ", including"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1243**

In addition to the amendments adopted by the Senate as printed on pages 711 and 712 of the Senate Journal, Engrossed House Bill No. 1243 is further amended as follows:

Page 1, line 9, after the semicolon insert "to provide for reimbursement of lottery expenses;"

Page 15, after line 21, insert:

**"SECTION 8. ATTORNEY GENERAL REIMBURSEMENT - STARTUP EXPENSES.** During the biennium beginning July 1, 2003, and ending June 30, 2005, the attorney general's operating fund must be reimbursed from lottery gross profits, in an amount not to exceed \$85,000, for expenses associated with the startup of the lottery which were incurred before July 1, 2003."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1243**

In addition to the amendments adopted by the Senate as printed on pages 711 and 712 and page 796 of the Senate Journal, Engrossed House Bill No. 1243 is further amended as follows:



Page 10, line 27, replace "two" with "four"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass: HB 1089, HB 1189, HB 1283, HB 1370.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2220, SB 2268, and SB 2359.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2074.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SB 2321, SB 2281, SB 2328, SB 2329, SB 2365, SB 2372, SB 2379.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2361.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass: SB 2364, SB 2389.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and passed: SB 2044, SB 2192, SB 2193, SB 2217, SB 2296, SB 2348, SB 2407.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2240, SB 2346.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1065, HB 1067, HB 1070, HB 1096, HB 1102, HB 1106, HB 1108, HB 1115, HB 1119, HB 1129, HB 1136, HB 1139, HB 1142, HB 1148, HB 1167, HB 1186, HB 1192, HB 1279, HB 1343, HB 1348, HB 1362, HB 1378, HB 1400, HB 1443, HB 1503.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SCR 4020, SCR 4025, SCR 4035.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2053, SB 2063, SB 2084, SB 2107, SB 2109, SB 2138, SB 2156, SB 2169, SB 2177, SB 2185, SB 2204, SB 2214, SB 2231, SB 2238, SB 2267, SB 2269, SB 2272, SB 2280, SB 2287, SB 2318, SB 2332, SB 2383, SB 2388.

#### REPORT OF STANDING COMMITTEE

**SB 2031, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2031 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15.1-21-02 of the North Dakota Century Code, relating to required units for approved high schools; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Section 15.1-21-02 of the North Dakota Century Code is amended and reenacted as follows:

##### 15.1-21-02. High schools - Required units.

1. In order to be approved by the superintendent of public instruction, each public and nonpublic high school shall make available to each student:

4- a. Four units of English-~~language arts~~:

- ~~2-~~ b. Three ~~Four~~ units of mathematics-;
- ~~3-~~ c. Four units of science-;
- ~~4-~~ d. Three ~~Four~~ units of social studies, including one of world history and one of United States history, both of which must emphasize geography-;
- ~~5-~~ e. One ~~One-half~~ unit of health ~~and~~ during each school year;
- f. One-half unit of physical education- during each school year;
- ~~6-~~ g. One ~~unit of~~ Two units of fine arts, one of which must be music-;
- ~~7-~~ Any six units selected from business education, economics and the free enterprise system, foreign language, American sign language, and vocational courses including family and consumer sciences, agriculture, business and office technology, marketing, diversified occupations, trade and industrial education, technology education, and health careers. The vocational courses may be offered through cooperative arrangements approved by the state board for vocational and technical education.
  - h. Two units of the same foreign language;
  - i. Two units of vocational education; and
  - j. Twelve units of electives.
- 2. Each unit which must be made available under subsection 1 must meet or exceed the state content standards.
- 3. For purposes of this section, unless the context otherwise requires:
  - a. "Elective" means a unit not required by the school district for graduation.
  - b. "Make available" means that:
    - (1) Each public high school and nonpublic high school shall allow students to select units from a list that includes at least all the units provided in subsection 1;
    - (2) If a student selects a unit from the list required by subsection 1, the public high school or the nonpublic high school shall provide the unit to the student; and
    - (3) The unit may be provided to the student through any delivery method not contrary to state law and may include classroom or individual instruction and distance learning options, including interactive video, computer instruction, correspondence courses, and postsecondary enrollment under chapter 15.1-25.
- 4. The board of a school district may not impose any fees or charges upon a student for the provision of or participation in units as provided in this section, other than the fees permitted by section 15.1-09-36.
- 5. If in order to meet the minimum requirements of this section a school district includes academic courses offered by a postsecondary institution under chapter 15.1-25, the school district shall:
  - a. Pay all costs of the student's attendance, except those fees that are permissible under section 15.1-09-36; and
  - b. Transport the student to and from the location at which the course is offered or provide mileage reimbursement to the student if transportation is provided by the student or the student's family.
- 6. The requirements of this section do not apply to alternative high schools or alternative high school education programs.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on July 1, 2004."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2036: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2036 was placed on the Sixth order on the calendar.

Page 1, line 23, overstrike "five" and insert immediately thereafter "seven"

Page 2, line 1, overstrike "handicap" and insert immediately thereafter "disability", replace "is" with "has been diagnosed by a licensed physician to be", and replace "handicap" with "disability"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2083, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2083 was placed on the Sixth order on the calendar.

Page 2, line 23, overstrike "resources do not include the", remove "individual's", and overstrike "primary home"

Page 2, line 24, overstrike "and the first", replace "twenty" with "except for twenty-five", remove the overstrike over "in", replace "of all other" with "liquid", and after "assets" insert ", the individual must meet all asset tests required under chapter 50-24.5"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2196: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO NOT PASS** (6 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). SB 2196 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2199, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2199 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2235, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). Engrossed SB 2235 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "create" with "amend" and replace "enact a new subsection to" with "reenact"

Page 1, line 4, replace "A new subsection to section" with "**AMENDMENT.** Section"

Page 1, line 5, replace "created" with "amended" and replace "enacted" with "reenacted"

Page 1, replace lines 6 through 10 with:

**"26.1-34-02. Minimum nonforfeiture amount defined.** The minimum values as specified in sections 26.1-34-03 through 26.1-34-06 and section 26.1-34-08 of any paid-up annuity, cash surrender, or death benefits available under an annuity contract must be based upon minimum nonforfeiture amounts as defined in this section:

1. For an annuity contract issued before August 1, 2003:
  - a. With respect to annuity contracts providing for flexible considerations, the minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments must be equal to an

accumulation up to such time at a rate of interest of three percent per year of percentages of the net considerations, as hereinafter defined, paid prior to such time, decreased by the sum of any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of three percent per year and the amount of any indebtedness to the company on the contract, including interest due and accrued; and increased by any existing additional amounts credited by the company to the contract. The net considerations for a given contract year used to define the minimum nonforfeiture amount must be an amount not less than zero and must equal the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of thirty dollars and less a collection charge of one dollar and twenty-five cents for each consideration credited to the contract during that contract year. The percentages of net considerations must be sixty-five percent of the net consideration for the first contract year and eighty-seven and one-half percent of the net considerations for the second and later contract years. Notwithstanding the preceding sentence, the percentage must be sixty-five percent of the portion of the total net consideration for any renewal contract year which exceeds by not more than two times the sum of those portions of the net considerations in all prior contract years for which the percentage was sixty-five percent.

- 2- b. With respect to contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts must be calculated on the assumption that considerations are paid annually in advance and must be defined as for contracts with flexible considerations which are paid annually, with two exceptions:
  - a- (1) The portion of the net consideration for the first contract year to be accumulated is the sum of sixty-five percent of the net consideration for the first contract year plus twenty-two and one-half percent of the excess of the net consideration for the first contract year over the lesser of the net considerations for the second and third contract years.
  - b- (2) The annual contract charge is the lesser of thirty dollars or ten percent of the gross annual considerations.
- 3- c. With respect to contracts providing for a single consideration, minimum nonforfeiture amounts must be defined as for contracts with flexible considerations except that the percentage of net consideration used to determine the minimum nonforfeiture amount must equal ninety percent and the net consideration must be the gross consideration less a contract charge of seventy-five dollars.

2. For an annuity contract issued after July 31, 2005:

- a. The minimum nonforfeiture amount at any time at or before the commencement of any annuity payments must be equal to an accumulation up to such time at rates of interest, as provided under subdivision c, of the net considerations, as defined under subdivision b, paid before such time, decreased by the sum of:
  - (1) Any prior withdrawals from or partial surrenders of the contract accumulated at rates of interest as provided under subdivision c;
  - (2) An annual contract charge of fifty dollars, accumulated at rates of interest as provided under subdivision c;
  - (3) Any premium tax paid by the company for the contract, accumulated at rates of interest as provided under subdivision c; and
  - (4) The amount of any indebtedness to the company on the contract, including interest due and accrued.
- b. The net considerations for a given contract year used to define the minimum nonforfeiture amount under subdivision a must be an

amount equal to eighty-seven and one-half percent of the gross considerations credited to the contract during that contract year.

- c. The interest rate used in determining minimum nonforfeiture amounts must be determined as the lesser of:
- (1) Three percent per annum; or
  - (2) The five-year constant maturity rate reported by the federal reserve as of a date or average over a period, reduced by one hundred twenty-five basis points. The rate calculated under this paragraph may not be less than one percent, must be specified in the contract, and must be determined no more than fifteen months before the contract issue date or redemption date.
- d. The interest rate used in determining minimum nonforfeiture amounts applies for an initial period and may be redetermined for additional periods. The redetermination date basis and period, if any, must be stated in the contract. The basis is the date or average over a specified period that produces the value of the five-year constant maturity treasury rate to be used at each redetermination date.
- e. Notwithstanding subdivisions a, b, c, and d, during the period or term that a contract provides substantive participation in an equity indexed benefit, the contract may increase the reduction of one hundred twenty-five basis points under paragraph 2 of subdivision c by an amount not to exceed one hundred basis points, in order to reflect the value of the equity index benefit. The present value at the contract issue date, the present value at each redetermination date, or the additional reduction may not exceed the market value of the benefit. The commissioner may require a demonstration that the present value of the reduction does not exceed the market value of the benefit. Lacking such a demonstration acceptable to the commissioner, the commissioner may disallow or limit the additional reduction.
- f. The commissioner may adopt rules to implement the provisions of subdivision e and to provide further adjustments to the calculation of minimum nonforfeiture amounts for contracts that provide substantive participation in an equity index benefit and for other contracts if the commissioner determines that adjustments are justified.
3. For an annuity contract issued after July 31, 2003, and before August 1, 2005, on a contract form by contract form basis, a company may elect to apply the provisions of subsection 1 or subsection 2."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2244, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2244 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2262, as engrossed: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2262 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of motor vehicle and motorist insurance systems.

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY - MOTOR VEHICLE NO-FAULT, UNDERINSURED MOTORIST, AND UNINSURED MOTORIST INSURANCE.** The legislative council shall study, during the 2003-04 interim, the motor vehicle no-fault, underinsured motorist, and uninsured motorist insurance systems. The legislative council shall report its

findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2275, as reengrossed: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2275 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "; to repeal chapter 26.1-41 of the" with a period

Page 1, remove lines 3 and 4

Page 2, remove lines 24 through 30

Page 3, remove lines 1 and 2

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2347: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2347 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2378: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2378 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4024: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4024 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, Seventh, Ninth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, March 21, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**