

JOURNAL OF THE HOUSE

Fifty-eighth Legislative Assembly

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Bismarck, February 6, 2003

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

The prayer was offered by Rev. Mark Neale, Evangel Temple, Bismarck.

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

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 300, line 43, after (Rep. replace "DeKrey" with "Nelson"

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

CORRECTION AND REVISION OF THE JOURNAL

MADAM SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the 12th Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 161, after line 5, insert the following: Today we honor the memory of a great American, Dr. Martin Luther King Jr. I think it is appropriate that while Americans and people all over the world take time today, that we too, in this chamber take a moment to remember him.

Some will remember the civil rights leader...some the great preacher...And some; his politics. But in the final analysis, what made him a great leader, and a great American is that at his core he was a dreamer.

This country was founded by dreamers...This country was improved by dreamers...This great economic system was built by dreamers who never gave up.

Martin Luther King Jr. was a dreamer who never gave up. He knew that change is hard..but he never lost hope...a sentiment that is very American.

He understood that a person must accept finite disappointment and have infinite hope. He understood that the time is always right to do the right thing. He understood that someone must be judged on the content of their character and the quality of their ideas.

His pursuit to insure freedom and responsibility remain our duties everyday.

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

SIXTH ORDER OF BUSINESS

REP. BERG MOVED that the amendments on the Sixth order of business to HB 1035, HB 1054, HB 1172, HB 1208, HB 1215, HB 1289, HB 1295, HB 1327, HB 1353 and HB 1356 be adopted, which motion prevailed.

HB 1035, HB 1054, HB 1172, HB 1208, HB 1215, HB 1289, HB 1295, HB 1327, HB 1353 and HB 1356, as amended, were placed on the Eleventh order of business on the calendar.

FIRST READING OF HOUSE BILL

Rep. Monson and Sen. Erbele introduced:
(Approved by the Delayed Bills Committee)

HB 1503: A BILL for an Act to create and enact a new section to chapter 36-11 of the North Dakota Century Code, relating to livestock; and to amend and reenact sections 36-11-01, 36-11-07, 36-11-09, 36-11-10, 36-11-11, 36-11-12, 36-11-13, 36-11-14,

36-11-15, 36-11-16, 36-11-17, 36-11-18, 36-11-19, and 36-11-20 of the North Dakota Century Code, relating to livestock running at large.

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

REPORT OF DELAYED BILLS COMMITTEE

MADAM SPEAKER: Your **Delayed Bills Committee (Rep. Berg, Chairman)** has approved the introduction of a bill for an Act to create and enact a new section to chapter 36-11 of the North Dakota Century Code, relating to livestock; and to amend and reenact sections 36-11-01, 36-11-07, 36-11-09, 36-11-10, 36-11-11, 36-11-12, 36-11-13, 36-11-14, 36-11-15, 36-11-16, 36-11-17, 36-11-18, 36-11-19, and 36-11-20 of the North Dakota Century Code, relating to livestock running at large.

The bill will be HB 1503.

MOTION

REP. BERG MOVED that HB 1289 be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1289 was rereferred.

MOTION

REP. BERG MOVED that HB 1378 be laid over one legislative day, which motion prevailed.

MOTION

REP. BERG MOVED that HB 1392 be returned to the House floor from the **Judiciary Committee** and be rereferred to the **Education Committee**, which motion prevailed.

MOTION

REP. BERG MOVED that HB 1424 be returned to the House floor from the **Judiciary Committee** and be rereferred to the **Education Committee**, which motion prevailed.

MOTION

REP. BERG MOVED that HB 1402 be returned to the House floor from the **Judiciary Committee** and be rereferred to the **Political Subdivisions Committee**, which motion prevailed.

MOTION

REP. BERG MOVED that HB 1445 be returned to the House floor from the **Judiciary Committee** and be rereferred to the **Political Subdivisions Committee**, which motion prevailed.

MOTION

REP. BERG MOVED that HB 1458 be returned to the House floor from the **Judiciary Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1391: A BILL for an Act to amend and reenact section 20.1-03-12 of the North Dakota Century Code, relating to big game hunting license fees.

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 76 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Amerman; Bellew; Belter; Delzer; Drovda; Froelich; Grosz; Gulleon; Kempenich; Kerzman; Koppelman; Kretschmar; Martinson; Rennerfeldt; Ruby; Skarphol; Wrangham

ABSENT AND NOT VOTING: Wentz

Engrossed HB 1391 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1394: A BILL for an Act to create and enact a new subsection to section 39-06.1-05 and a new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to offenses exempted from administrative proceedings and demerit points; to amend and reenact sections 39-06.1-09 and 39-10-26 of the North Dakota Century Code, relating to yielding to an emergency vehicle; and to provide a penalty.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; 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; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Timm

ABSENT AND NOT VOTING: Wentz

Engrossed HB 1394 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1444: A BILL for an Act to amend and reenact subsection 2 of section 54-59-17 of the North Dakota Century Code, relating to the membership of the educational technology council.

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, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; 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; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Timm

NAYS: Carlson; Delzer; Grande; Wald

ABSENT AND NOT VOTING: Wentz

Engrossed HB 1444 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1217: A BILL for an Act to amend and reenact section 50-24.1-02.3 of the North Dakota Century Code, relating to the exclusion of pre-need funeral service contracts in determining eligibility for medical assistance.

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 48 YEAS, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Boe; Boehning; Boucher; Carlson; Delmore; Drovdal; Eckre; Ekstrom; Froelich; Galvin; Glassheim; Gulleson; Hanson; Hawken; Hunskor; Johnson, D.; Johnson, N.; Kasper; Kelsh, S.; Kerzman; Klein, F.; Koppelman; Kretschmar; Kroeber; Maragos; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Solberg; Thorpe; Wald; Warner; Weiler; Winrich; Zaiser

NAYS: Belter; Berg; Bernstein; Brusegaard; Carlisle; Clark; DeKrey; Delzer; Devlin; Dosch; Froseth; Grande; Grosz; Haas; Headland; Herbel; Iverson; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, M.; Klemin; Kreidt; Martinson; Meier; Niemeier; Pietsch; Pollert; Porter; Price; Severson; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Uglem; Warnke; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Acting Speaker Timm

ABSENT AND NOT VOTING: Wentz

Engrossed HB 1217 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1246: A BILL for an Act to create and enact a new section to chapter 11-09.1 of the North Dakota Century Code, relating to enforcement of criminal violations by a home rule county; and to amend and reenact subsection 5 of section 11-09.1-05 and section 27-05-06 of the North Dakota Century Code, relating to powers of a home rule county and the jurisdiction of the district court.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; 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; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Timm

ABSENT AND NOT VOTING: Bernstein; Wentz

Engrossed HB 1246 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that the House reconsider its action whereby HB 1217 passed, which motion prevailed.

MOTION

REP. BERG MOVED that HB 1217 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1217 was rereferred.

SECOND READING OF HOUSE BILL

HB 1338: A BILL for an Act to amend and reenact sections 57-20-22, 57-23-08, 57-23-09, and 57-55-12 of the North Dakota Century Code, relating to refund of penalties and interest on any abated property taxes or mobile home taxes.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; 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; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Timm

ABSENT AND NOT VOTING: Wentz

Engrossed HB 1338 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1348: A BILL for an Act to create and enact a new subsection to section 57-06-02 and a new section to chapter 57-06 of the North Dakota Century Code, relating to property tax exemption for new or expanded capacity electric transmission lines; to amend and reenact subsection 2 of section 57-33.1-02 of the North Dakota Century Code, relating to application of the electric transmission lines mileage tax for cooperatives; and to provide an effective date.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; 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; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Timm

ABSENT AND NOT VOTING: DeKrey; Wentz

Engrossed HB 1348 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1375: A BILL for an Act to create and enact a new section to chapter 4-14.1 and a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to property tax reimbursement and an income tax deduction for income of beginning farmers; to amend and reenact subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax deduction for income of beginning farmers; to provide a directive to the agricultural products utilization commission concerning use of appropriated funds; 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 23 YEAS, 69 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boucher; Delmore; Ekstrom; Froelich; Gulleson; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich; Zaiser

NAYS: Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Glassheim; Grande; Grosz; Haas; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol;

Svedjan; Thoreson; Tieman; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Acting Speaker Timm

ABSENT AND NOT VOTING: DeKrey; Wentz

Engrossed HB 1375 lost.

SECOND READING OF HOUSE BILL

HB 1381: A BILL for an Act to amend and reenact section 57-38-29 and subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to individual income tax rates; to provide an appropriation for foundation aid grant enhancement; 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 31 YEAS, 62 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Delmore; Devlin; Eckre; Ekstrom; Froelich; Glassheim; Gulleson; Hunskor; Johnson, D.; Kelsh, S.; Kerzman; Maragos; Metcalf; Mueller; Nicholas; Niemeier; Onstad; Potter; Sandvig; Schmidt; Severson; Solberg; Thorpe; Warner; Williams; Winrich; Zaiser

NAYS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Monson; Nelson; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Tieman; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Acting Speaker Timm

ABSENT AND NOT VOTING: Wentz

Engrossed HB 1381 lost.

SECOND READING OF HOUSE BILL

HB 1400: A BILL for an Act to amend and reenact sections 23-09.3-01.1 and 23-16-01.1 of the North Dakota Century Code, relating to a moratorium on expansion of the licensed basic care and long-term bed capacity, the conversion of beds, and the transfer of existing basic care beds from one municipality to another municipality or to a tribal reservation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; 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; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Timm

NAYS: Carlson

ABSENT AND NOT VOTING: Wentz

Engrossed HB 1400 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1480: A BILL for an Act to create and enact a new section to chapter 23-27 of the North Dakota Century Code, relating to quick-response units.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; 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; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Timm

ABSENT AND NOT VOTING: Wald; Wentz

Engrossed HB 1480 passed and the title was agreed to.

MOTION

REP. BERG MOVED to place HCR 3010 on the consent calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1026: A BILL for an Act to create a transgenic wheat board; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 65 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boucher; Delmore; Ekstrom; Froelich; Glassheim; Gulleson; Hanson; Hunsakor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Niemeier; Onstad; Potter; Sandvig; Schmidt; Sitte; Solberg; Thorpe; Warner; Warnke; Williams; Winrich

NAYS: Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson; Tieman; Uglem; Wald; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Zaiser; Acting Speaker Timm

ABSENT AND NOT VOTING: Price; Wentz

HB 1026 lost.

SECOND READING OF HOUSE BILL

HB 1049: A BILL for an Act to amend and reenact subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the director of the game and fish department with respect to guides and outfitters.

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, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal;

Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; 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; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Timm

NAYS: Froelich; Kerzman

ABSENT AND NOT VOTING: Price; Wentz

HB 1049 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1111: A BILL for an Act to amend and reenact subsection 3 of section 12-60-16.4, and subdivision g of subsection 1 and subdivision e of subsection 5 of section 19-03.1-36 of the North Dakota Century Code, relating to drug paraphernalia offense reporting and forfeiture and use of forfeited property.

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

ABSENT AND NOT VOTING: Mueller; Price; Wentz

HB 1111 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1147: A BILL for an Act to amend and reenact sections 61-02-76 and 61-03-22 of the North Dakota Century Code, relating to appeals from decisions of the water commission and state engineer.

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 0 YEAS, 90 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; 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; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Timm

ABSENT AND NOT VOTING: Mueller; Price; Svedjan; Wentz

HB 1147 lost.

SECOND READING OF HOUSE BILL

HB 1203: A BILL for an Act to create and enact a new section to chapter 16.1-05 of the North Dakota Century Code, relating to protection of election board members' employment; and to provide a penalty.

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 25 YEAS, 65 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boucher; Brusegaard; Delmore; Ekstrom; Glassheim; Gulleson; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Maragos; Metcalf; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Williams; Winrich

NAYS: Bellew; Belter; Berg; Bernstein; Boe; Boehning; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Thoreson; Tieman; Uglem; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Wrangham; Zaiser; Acting Speaker Timm

ABSENT AND NOT VOTING: Froelich; Mueller; Svedjan; Wentz

HB 1203 lost.

SECOND READING OF HOUSE BILL

HB 1206: A BILL for an Act to amend and reenact sections 40-57.1-03 and 40-57.1-04.1 of the North Dakota Century Code, relating to the duration of city or county property tax exemptions for new or expanding businesses; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 63 YEAS, 27 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boehning; Brusegaard; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Grande; Grosz; Gulleson; Haas; Hawken; Headland; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Meier; Metcalf; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Sitte; Skarphol; Thoreson; Tieman; Uglem; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Acting Speaker Timm

NAYS: Aarsvold; Amerman; Bellew; Boe; Boucher; Carlisle; Delmore; Ekstrom; Froelich; Glassheim; Hanson; Hunskor; Kelsh, S.; Kerzman; Kingsbury; Kroeber; Martinson; Niemeier; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich; Zaiser

ABSENT AND NOT VOTING: Mueller; Svedjan; Wald; Wentz

HB 1206 passed and the title was agreed to.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1192, HB 1258.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1100, HB 1114, HB 1216, HB 1220, HB 1223, HB 1305, HB 1333, HB 1343, HB 1346, HB 1363, HB 1372.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2228.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2145, SB 2146, SB 2178, SB 2182, SB 2214, SB 2231, SB 2243, SB 2256, SB 2262, SB 2339, SCR 4007.

REPORT OF STANDING COMMITTEE

HB 1030: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1030 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1077: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (15 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). HB 1077 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1103: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1103 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1162: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (15 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). HB 1162 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1190: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1190 was placed on the Sixth order on the calendar.

Page 1, line 1, after the second "to" insert "section"

Page 1, line 3, replace "section" with "sections" and remove ", subsection 1 of section"

Page 1, line 4, remove "32-03.2-02.1," and remove "section"

Page 2, remove lines 6 through 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1193: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1193 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1199: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1199 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1204: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1204 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 sections 43-03-01, 43-03-02, 43-03-08, 43-03-09, 43-03-10, 43-03-11, 43-03-12, 43-03-13, 43-03-16, 43-03-17, 43-03-18, 43-03-19, 43-03-20, 43-03-21, 43-03-22, and 43-03-23 of the North Dakota Century Code, relating to the registration of architects and landscape architects; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-03-01 of the North Dakota Century Code is amended and reenacted as follows:

43-03-01. Definitions. In this chapter, unless the context or the subject matter otherwise requires:

1. "Architect" means an individual who is registered as an architect under this chapter.
2. "Board" means the state board of architecture.
2. ~~"Architect" means an individual who is registered under the provisions of this chapter.~~
3. "Landscape architect" means an individual who practices landscape architecture.
4. "Landscape architecture" means a service in which landscape architectural education, training, and experience and the application of mathematical, physical, and social science principles are applied in consultation, evaluation, planning, design, and administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land. The term includes investigation, selection, and allocation of land and water resources for appropriate uses; formulation of feasibility studies and graphic and written criteria to govern the planning, design, and management of land and water resources; preparation, review, and analysis of land use master plans, schematic subdivision plans, and preliminary plats; determining the location and siting of improvements, including buildings and other features, as well as the access and environs for such improvements; and design of land forms, landscape drainage, site lighting, water features, irrigation systems, plantings, pedestrian and vehicular circulation systems, and related construction details.

SECTION 2. AMENDMENT. Section 43-03-02 of the North Dakota Century Code is amended and reenacted as follows:

43-03-02. Persons exempt from regulations.

1. The architect registration provisions of this chapter do not apply to the following:
 4. ~~A a person making plans and specifications for a building to be constructed by or for that person:~~
 2. ~~A; a person supervising the erection, enlargement, or alteration of a building being constructed by or for that person:~~
 3. ~~A; a person preparing for a school board plans and specifications for, or supervising the erection or alteration of, one-room or two-room school buildings costing not to exceed five thousand dollars:~~
 4. ~~The; or an employee of an architect acting under that architect's instruction, control, and supervision in preparing plans and specifications for the erection, enlargement, or alteration of buildings.~~
2. The landscape architect registration provisions of this chapter do not apply to an architect, a professional engineer, or a land surveyor in the course of providing professional services for which otherwise licensed or registered; a nursery worker, gardener, landscape designer, or landscape contractor in the course of preparing planting plans or installing plant material, to the extent these activities do not impact the public health, safety, or welfare; or an individual in the course of planning or otherwise caring for that individual's property.

SECTION 3. AMENDMENT. Section 43-03-08 of the North Dakota Century Code is amended and reenacted as follows:

43-03-08. Board to adopt rules and regulations. The board shall ~~may~~ adopt the following rules and regulations:

1. To govern its board proceedings.
2. For the examination of candidates for registration.
3. For the regulation of the practice of architecture and landscape architecture.

~~Such rules and regulations must be consistent with the provisions of this chapter and the laws of this state. The board, from time to time, may amend, modify, and repeal such rules and regulations.~~

4. For education of registration applicants.
5. For continuing education of registrants.

SECTION 4. AMENDMENT. Section 43-03-09 of the North Dakota Century Code is amended and reenacted as follows:

43-03-09. Practice of architecture without a license ~~Unauthorized practice prohibited.~~ A person may not practice architecture as a profession in this state unless ~~that person has obtained from the board a certificate of registration and is~~ registered as an architect under this chapter or otherwise authorized by the board. A person may not practice landscape architecture in this state unless registered as a landscape architect under this chapter or otherwise authorized by the board.

SECTION 5. AMENDMENT. Section 43-03-10 of the North Dakota Century Code is amended and reenacted as follows:

43-03-10. Regulation of use of ~~term licensed architects~~ Terms.

1. A person may not use the title or designation "registered architect", "licensed architect" ~~nor~~, any variation of ~~the same those terms, nor~~ any other words, letters, or device to indicate that person is a licensed an architect, without being authorized to practice architecture in this state unless that person is registered as an architect in accordance with the provisions of under this chapter. In a copartnership of ~~licensed~~ architects, each member of the partnership shall hold a license certificate of registration to practice.
2. A person may not use the title or designation "registered landscape architect", "licensed landscape architect", any variation of those terms, or any other words, letters, or device to indicate that person is an architect authorized to practice landscape architecture in this state unless that person is registered as a landscape architect under this chapter.

SECTION 6. AMENDMENT. Section 43-03-11 of the North Dakota Century Code is amended and reenacted as follows:

43-03-11. Application for examination - Fee. Before ~~a person~~ an individual may take the examination for registration as an architect or a landscape architect, ~~that person individual~~ shall make an application to the board submitting satisfactory evidence of having the required qualifications and shall pay a fee of fifty dollars. ~~When~~ If reexamination is required, the applicant shall pay a fee of twenty-five dollars for a reexamination. The fee for reexamination may be waived in whole or in part by the board.

SECTION 7. AMENDMENT. Section 43-03-12 of the North Dakota Century Code is amended and reenacted as follows:

43-03-12. Board to issue certificates of registration. The board, ~~in accordance with the provisions of this chapter,~~ shall examine ~~those desiring to use the title of architect or to practice as architects in this state~~ applicants for registration and shall issue certificates of registration to those who are qualified. The board may administer an examination or may recognize a board-approved examination of a nationally recognized entity.

SECTION 8. AMENDMENT. Section 43-03-13 of the North Dakota Century Code is amended and reenacted as follows:

43-03-13. Qualifications. An applicant for registration as an architect shall have all of the following qualifications:

1. ~~Be~~ Must be at least eighteen years of legal age;
2. ~~Be~~ Must be of good moral character, with rejection possible on the basis of the following:
 - a. Conviction of an offense determined by the board to have a direct bearing upon an applicant's ability to serve the public as an architect or a landscape architect, or the board determines, following conviction of an offense, that the applicant is not sufficiently rehabilitated under section 12.1-33-02.1;
 - b. Misstatement or misrepresentation of fact by the applicant in connection with that ~~person's~~ individual's application; or
 - c. Violation of any of the standards of conduct required of ~~licenseholders~~ registrants and set forth in the statutes;
3. ~~Have~~ Must have successfully completed an examination for registration; and
4. ~~Have had what~~ In the case of an architect, must have the practical experience and academic training as is specified in the current guidelines published by the national council of architectural registration boards.

SECTION 9. AMENDMENT. Section 43-03-16 of the North Dakota Century Code is amended and reenacted as follows:

43-03-16. Certificates of registration issued by board - Result of examinations recorded by secretary of board. The result of every examination for registration as an architect; or a landscape architect and the evidence of qualifications; must be recorded by the secretary of the board; ~~and the~~. The board shall issue a certificate of registration to every ~~person~~ individual who ~~has passed~~ passes the examination or otherwise is entitled to receive the certificate. The secretary of the board shall maintain a list of architects and landscape architects certified under this section. This list must contain the ~~architect's~~ registrant's name, current business address, certification number, and the expiration date of the ~~architect's~~ certificate.

SECTION 10. AMENDMENT. Section 43-03-17 of the North Dakota Century Code is amended and reenacted as follows:

43-03-17. Certificates of registration - Term - Renewal. A certificate of registration as an architect or a landscape architect must be issued for one year upon the payment of the proper fee and, upon the payment of the proper fee, may be renewed without examination.

SECTION 11. AMENDMENT. Section 43-03-18 of the North Dakota Century Code is amended and reenacted as follows:

43-03-18. Fees. The following ~~must be the registration and renewal fees required to be paid by an architect~~ apply to architects and landscape architects:

1. Following examination, a an architect registration fee of not more than one hundred dollars, as set by the board.
2. When examination is not necessary under section 43-03-15, a an architect registration fee of not more than one hundred dollars, as set by the board.
3. An annual architect registration renewal fee of not more than one hundred dollars, as set by the board.
4. Following examination, a landscape architect registration fee of not more than five hundred dollars, as set by the board.

5. An annual landscape architect registration renewal fee of not more than five hundred dollars, as set by the board.

SECTION 12. AMENDMENT. Section 43-03-19 of the North Dakota Century Code is amended and reenacted as follows:

43-03-19. Effect of failure to pay renewal fee.

1. If the holder of a certificate of registration as an architect a landscape architect fails to pay the annual renewal fee when due, that ~~person's~~ individual's certificate must be revoked unless that ~~person's~~ individual's application for renewal is made within one year after the expiration of that ~~person's~~ individual's certificate. That ~~person~~ individual then shall pay the renewal fee set by the board under section 43-03-18. If a former holder applies for renewal more than one year after the expiration of that ~~person's~~ individual's certificate, that ~~person~~ individual may, in the board's discretion, be reinstated upon payment of a fee of one hundred dollars.
2. ~~No~~ A certificate may ~~not~~ be revoked for nonpayment of fees unless the secretary of the board has first given at least thirty days' notice by certified mail to the holder of such certificate. The notice must be directed to the last-known address or place of residence of the delinquent.

SECTION 13. AMENDMENT. Section 43-03-20 of the North Dakota Century Code is amended and reenacted as follows:

43-03-20. Revocation of registration. The board, after a hearing upon thirty days' written notice to the certificate holder ~~thereof~~, may revoke any certificate of registration of an architect or a landscape architect upon proof that:

1. Such certificate has been obtained by fraud or misrepresentation;
2. The holder of such certificate has been guilty of malfeasance, fraud, gross incompetency, or negligence in connection with the holder's practice of architecture or landscape architecture;
3. The holder of such certificate has allowed a nonregistered ~~persons or entities~~ person to practice as an architect by the device of permitting the holder's name or stamp to be placed upon drawings, or other contract documents, not prepared by the holder or under the holder's direct supervision;
4. The holder of such certificate has been convicted of an offense determined by the board to have a direct bearing upon the holder's ability to serve the public as an architect or landscape architect; or that, following conviction of an offense, the holder is ~~not~~ sufficiently rehabilitated under section 12.1-33-02.1; or
5. The holder of such certificate has violated ~~any provisions~~ of this chapter.

SECTION 14. AMENDMENT. Section 43-03-21 of the North Dakota Century Code is amended and reenacted as follows:

43-03-21. Penalty. Any person willfully violating ~~the provisions~~ of this chapter is guilty of a class B misdemeanor.

SECTION 15. AMENDMENT. Section 43-03-22 of the North Dakota Century Code is amended and reenacted as follows:

43-03-22. Stamp. At the time of the issuance of the certificate of registration, the board shall furnish to the applicant, at the applicant's expense, a rubber stamp to be used by the applicant in the conduct of the applicant's practice and to be impressed upon drawings and other documents prepared by the applicant. The board shall prescribe rules governing the use of such stamp and ~~architect's~~ applicant's signature.

SECTION 16. AMENDMENT. Section 43-03-23 of the North Dakota Century Code is amended and reenacted as follows:

43-03-23. ~~Architect not liable~~ Liability for contractor's fault unless responsibility assumed - Liability for own negligence. An architect or a landscape

architect is not liable for the safety of persons or property on or about a construction project site, or for the construction techniques, procedures, sequences and schedules, or for the conduct, action, errors, or omissions of any construction contractor, subcontractor, or material supplier, their agents or their employees, unless the architect or landscape architect assumes responsibility therefor by contract or by the architect's or landscape architect's actual conduct. ~~Nothing herein may be construed to~~ This section does not relieve an architect or a landscape architect from liability from the architect's or landscape architect's negligence, whether in the architect's or landscape architect's design work or otherwise."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1252: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1252 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "of the department"

Page 1, line 10, after "areas" insert "of the department"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1261: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1261 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1263: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1263 was placed on the Sixth order on the calendar.

Page 1, line 13, after "indirect" insert "physical property"

Page 1, line 18, after the second "injury" insert ", however, damages for personal injury are not available under this section"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1271: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1271 was rereferred to the **Appropriations Committee**.

Page 1, line 7, replace "shall" with "may"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1275: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1275 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1282: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1282 was placed on the Sixth order on the calendar.

Page 1, line 16, overstrike "one" and insert immediately thereafter "three"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1284: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1284 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1309: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1309 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new section to chapter 19-10 and"

Page 1, line 2, remove "biodiesel fuel mandate and a"

Page 1, remove lines 6 through 21

Page 2, line 3, replace "sixteen" with "ten"

Page 2, line 4, after "containing" insert "at least two percent" and replace "that" with "by volume. For purposes of this section, "biodiesel" means fuel meeting the specifications adopted by the American society for testing and materials"

Page 2, line 5, remove "meets the minimum content requirements of section 1 of this Act"

Page 2, line 7, after "and" insert "each year's credit amount", remove "not", after "forward" insert "for up to five taxable years", and after the period insert "A taxpayer is limited to two hundred fifty thousand dollars in the cumulative amount of credits under this section for all taxable years."

Page 2, line 8, replace "Section 2 of this" with "This"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1321: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1321 was placed on the Sixth order on the calendar.

Page 1, line 7, after "unions" insert ", lending institutions that are part of the farm credit system"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1369: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1369 was placed on the Sixth order on the calendar.

Page 1, line 5, replace ", issuance of revenue bonds for" with "and"

Page 1, line 6, remove "support of the fund,", remove the second comma, and remove "in bonds and"

Page 1, line 7, remove "deductions for interest on bonds issued"

Page 1, replace lines 15 and 16 with:

"3. "Investment" means a purchase of an interest in the farmers equity trust fund."

Page 1, line 23, replace "agricultural products utilization commission" with "value-added agriculture promotion board"

Page 2, line 9, replace "Borrow money through the issuance and sale of bonds as provided in this chapter" with "Receive investments in the farmers equity trust fund"

Page 2, line 10, replace "its bonds" with "investments in the farmers equity trust fund"

Page 2, line 11, replace the second comma with a period

Page 2, replace lines 12 through 21 with:

"5. Authorize returns to investors on farmers equity trust fund investments at the times and in the manner the industrial commission determines to be prudent."

Page 2, line 22, replace "**Agricultural products utilization commission**" with "**Value-added agriculture promotion board**" and replace "agricultural" with "value-added agriculture promotion board"

Page 2, line 23, remove "products utilization commission"

Page 2, line 26, replace "commission" with "board"

Page 3, line 5, replace "agricultural" with "value-added agriculture promotion board"

Page 3, line 6, remove "products utilization commission"

Page 3, line 8, replace "agricultural products utilization commission" with "value-added agriculture promotion board" and remove "issuing and selling"

Page 3, line 9, remove "bonds and processing and"

Page 3, line 10, replace "The Bank may not issue a letter of credit for bonds issued under" with:

"4-42-06. Investments not guaranteed. Investments in the farmers equity trust fund are backed only by the balance in and obligations to the farmers equity trust fund. Investments under this chapter are not payable from or chargeable to any funds other than the farmers equity trust fund. The industrial commission and the Bank of North Dakota are not subject to any liability on investments in the farmers equity trust fund or loans or investments made from the farmers equity trust fund under this chapter."

Page 3, remove lines 11 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 8

Page 6, line 9, replace "**4-42-14**" with "**4-42-07**"

Page 6, line 10, remove "in bonds issued" and replace "for" with "in"

Page 6, line 13, replace "twenty" with "thirty" and remove "in bonds issued"

Page 6, line 14, remove "under this chapter"

Page 6, line 23, remove "in bonds issued"

Page 6, line 24, replace the first "for" with "in"

Page 7, line 1, remove "bonds issued under this chapter for"

Page 7, line 2, remove "A qualified investment must be in the form of a purchase"

Page 7, line 3, remove "of bonds issued under this chapter."

Page 7, line 4, replace "form of bond obligations" with "fund"

Page 7, line 7, replace "bonds issued" with "the investment"

Page 7, line 9, replace "**4-42-15**" with "**4-42-08**"

Page 7, line 12, replace "**4-42-16**" with "**4-42-09**"

Page 7, line 16, replace "bonds issued" with "investments in the farmers equity trust fund"

Page 7, line 17, replace "agricultural products utilization commission" with "value-added agriculture promotion board"

Page 7, line 22, replace "Bonds issued" with "Investments"

Page 7, line 25, replace "interest" with "returns"

Page 7, line 26, replace "bonds issued" with "investments" and replace "interest" with "those returns were"

Page 7, line 27, remove "was"

Page 8, line 1, replace "interest" with "returns"

Page 8, line 2, replace "bonds issued" with "investments" and replace "that interest" with "those returns were"

Page 8, line 3, remove "was"

Page 8, line 6, replace "interest income from bonds issued" with "returns received by the taxpayer during the taxable year on investments" and after "4-42" insert "to the extent those returns were included in the taxpayer's federal taxable income"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1395: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1395 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1396: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1396 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1407: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1407 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1410: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1410 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1413: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1413 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1414: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1414 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "paragraph" with "subdivision"

Page 2, line 7, replace "Veterinarians, including the" with "The"

Page 5, after line 21, insert:

"5. This section does not authorize the state health officer or a local public health officer to commandeer or utilize any hospital or other medical facility."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1429: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO NOT PASS** (12 YEAS, 00 NAYS, 1 ABSENT AND NOT VOTING). HB 1429 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1431: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1431 was rereferred to the **Appropriations Committee**.

Page 1, line 2, after "57-36-13.1" insert ", 57-36-13.2"

Page 1, line 3, after "indicia" insert "and unfair and deceptive business practices"

Page 1, line 5, remove "to repeal section 57-36-25.1 of the North Dakota Century Code,"

Page 1, remove line 6

Page 6, after line 11, insert:

"SECTION 10. Section 57-36-13.2 of the North Dakota Century Code is created and enacted as follows:

57-36-13.2. Unfair and deceptive business practices. The advertising, offering for sale, or sale of cigarettes below cost to the retailer or cost to the wholesaler is an unfair and deceptive business practice. It is the policy of the state to promote the public welfare and it is the purpose of this chapter to carry out that policy in the public interest, stabilize the sale of cigarettes, and maximize and protect state revenues from this chapter. For purposes of this section:

1. "Cost to the retailer" means the cost to the wholesaler from whom the cigarettes were purchased by the retailer plus the cost of doing business by the retailer as evidenced by the standards and methods of accounting regularly employed by the retailer in the retailer's determination of costs for income tax reporting purposes for the total operations of the retailer's establishment. Cost of doing business by the retailer includes costs of:
 - a. Labor, including salaries of executives and officers;
 - b. Rent;
 - c. Depreciation;
 - d. Selling;
 - e. Maintenance of equipment;
 - f. Delivery;
 - g. Licenses;
 - h. Business taxes;
 - i. Insurance;
 - j. Advertising;
 - k. Any rebates, patronage dividends, or concessions, no matter how defined;
 - l. Expenses prior to opening for business, including costs of startup, land acquisition, construction, marketing studies, and similar expenses;
 - m. Any district, central, regional, and national administrative and operation costs and expenses; and
 - n. All other indirect or overhead costs with respect to the operation of the business of the retailer.

The cost of doing business by the retailer must be expressed as a percentage and applied to the cost to the wholesaler from whom the cigarettes were purchased.

A retailer who purchases directly from a manufacturer or from any other person at or at less than or about the price normally and usually charged for purchases in wholesale quantities shall, in determining the cost to the retailer, add the cost of doing business by the wholesaler, to the basic cost of cigarettes to the retailer, as well as the cost of doing business by retailer.

In the absence of the filing with the commissioner of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the cost of doing business by the retailer is presumed to be eight percent of the cost to the wholesaler.

2. "Cost to the wholesaler" means the basic cost of cigarettes purchased by the wholesaler from a manufacturer plus the cost of doing business by the wholesaler as evidenced by the standards and methods of accounting regularly employed by the wholesaler in the wholesaler's determination of costs for income tax reporting purposes for the total operation of the wholesaler's business. The cost of doing business by the wholesaler includes costs of:
- a. Labor, including salaries of executives and officers;
 - b. Rent;
 - c. Depreciation;
 - d. Selling;
 - e. Maintenance of equipment;
 - f. Delivery;
 - g. Licenses;
 - h. Business taxes;
 - i. Insurance;
 - j. Advertising;
 - k. Any rebates, patronage dividends, or concessions, no matter how defined;
 - l. Expenses prior to opening for business, including costs of startup, land acquisition, construction, marketing studies, and similar expenses;
 - m. Any district, central, regional, and national administrative and operation costs and expenses; and
 - n. All other indirect or overhead costs with respect to the operation of the wholesaler.

The cost of doing business by a wholesaler must be expressed as a percentage and applied to the basic cost of cigarettes.

In the absence of the filing with the commissioner of proof that the commissioner declares to be satisfactory of a lesser or higher cost of doing business by the wholesaler making the sale, the cost of doing business by the wholesaler is presumed to be five percent of the basic cost of cigarettes to the wholesaler."

REPORT OF STANDING COMMITTEE

HB 1433: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1433 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1447: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1447 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1457: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1457 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "if the proposed" with "at the rate of one additional block for each additional five thousand population to a maximum size of thirty-five blocks. Population is based upon the most recent federal decennial census"

Page 1, remove line 10

Page 1, line 11, remove "as designated by the governing body of the city"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1462: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1462 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1476: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1476 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1479: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (16 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1479 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1495: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1495 was placed on the Sixth order on the calendar.

Page 2, replace lines 3 through 7 with:

"A coin-operated gaming device tax of twenty-five percent is imposed on the adjusted gross proceeds received from the conduct of coin-operated gaming devices. This tax is in place of any sales, use, excise, or gaming taxes provided for by law. The tax must be paid to the attorney general when tax returns are filed. One percent of the coin-operated gaming device tax, not to exceed five hundred thousand dollars per biennium, must be transferred to the state treasurer for deposit in the compulsive gambling prevention and treatment fund."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3005: Joint Constitutional Revision Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (8 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3005 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3016: Joint Constitutional Revision Committee (Rep. Kretschmar, Chairman) recommends **DO NOT PASS** (9 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3016 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3017: Joint Constitutional Revision Committee (Rep. Kretschmar, Chairman)
recommends **DO NOT PASS** (9 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HCR 3017 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3035: Joint Constitutional Revision Committee (Rep. Kretschmar, Chairman)
recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (9 YEAS,
0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3035 was placed on the Tenth order on
the calendar.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Seventh, Ninth, and Thirteenth orders
of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m.,
Friday, February 7, 2003, which motion prevailed.

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

BRADLEY C. FAY, Chief Clerk