

## JOURNAL OF THE HOUSE

## Fifty-ninth Legislative Assembly

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Bismarck, January 20, 2005

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

The prayer was offered by Pastor Don Burnett, Bismarck Baptist Church.

The roll was called and all members were present except Representatives Berg, Maragos, Nicholas, Owens, and Potter.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

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

On page 201, after line 10 insert the following:

**"SIXTH ORDER OF BUSINESS**

**REP. MONSON MOVED** that the amendments on the Sixth order of business to HB 1038, HB 1046, HB 1093, HB 1158, HB 1175, HB 1192, HB 1200 and HB 1243 be adopted, which motion prevailed.

HB 1038, as amended, was rereferred to the **Appropriations Committee**.

HB 1046, HB 1093, HB 1158, HB 1175, HB 1192, HB 1200 and HB 1243, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day."

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

**SIXTH ORDER OF BUSINESS**

**REP. MONSON MOVED** that the amendments on the Sixth order of business to HB 1178, HB 1214, HB 1251 and HB 1277 be adopted, which motion prevailed.

HB 1178, HB 1214, HB 1251 and HB 1277, as amended, were placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1228:** A BILL for an Act to amend and reenact section 15.1-07-12 of the North Dakota Century Code, relating to the disbursement of moneys by a school district business manager.

**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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Berg; Maragos; Nicholas; Owens; Potter

HB 1228 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1233:** A BILL for an Act to amend and reenact section 15.1-09-33 of the North Dakota Century Code, relating to school board membership dues.

**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 80 YEAS, 9 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleason; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Wieland; Williams; Zaiser; Speaker Klein

**NAYS:** Carlson; DeKrey; Delzer; Devlin; Kempenich; Ruby; Skarphol; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Berg; Maragos; Nicholas; Owens; Potter

HB 1233 passed and the title was agreed to.

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**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 2159.

**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 2105, SB 2111, SB 2116.

**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 1180, HB 1182, HB 1196, HB 1197, HB 1205, HB 1211, HB 1221, HB 1226.

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

**MR. PRESIDENT:** The Speaker has signed: SCR 4007, SCR 4008.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:00 p.m., Friday, January 21, 2005, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1113: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1113 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1124: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1124 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1174: Industry, Business and Labor Committee (Rep. Keiser, 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 1174 was rereferred to the **Appropriations Committee**.

Page 1, line 14, remove "and", remove the overstrike over the overstruck comma, and after "~~54-17~~" insert "13-08, and 13-09"

Page 3, line 10, after the underscored period insert "Notwithstanding any other provision of law, "money transmission" also includes bill payment services not limited to the right to receive payment of any claim for another."

Page 10, line 16, remove "for a term of one year"

Page 15, remove line 16

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1185: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1185 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1198: 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 1198 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of reemployment processes and costs and an appropriate method for providing a limitation on the total average number of job-attached unemployment insurance claimants.

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

##### SECTION 1. LEGISLATIVE COUNCIL STUDY - REEMPLOYMENT POLICIES, PRACTICES, AND COSTS AND MEANS OF LIMITING JOB-ATTACHED CLAIMANTS - REPORT.

1. During the 2005-06 interim, the legislative council, with the participation of job service North Dakota, shall study:
  - a. The costs and effectiveness of the current reemployment processes utilized by job service North Dakota and the appropriate methods for providing those services to a substantially greater number of claimants;
  - b. An appropriate method for limiting the number of job-attached claimants to those employees who are critical to the business processes of the employers that temporarily laid off those employees; and
  - c. An appropriate means of funding any additional costs that might be incurred as a result of implementation of the study's recommendations.
2. During the 2005-06 interim, job service North Dakota shall report to the legislative council on the progress of, and results from, the reemployment demonstration project to be carried out by job service North Dakota during the 2005-06 interim.
3. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1199: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1199 was placed on the Sixth order on the calendar.

Page 1, line 2, after "directors" insert "; and to provide for application"

Page 1, line 14, overstrike "and"

Page 1, line 16, replace "; and" with ", and at least one employer at large representative. Except for the employer at large representative."

Page 2, after line 24, insert:

**"SECTION 2. APPLICATION.** This Act applies only to members appointed or reappointed to the board after the effective date of this Act."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1241: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1241 was placed on the Sixth order on the calendar.

Page 1, line 1, after the first comma insert "processor,"

Page 1, line 6, after the second comma insert "processor,"

Page 2, line 14, after "proceedings" insert "must be"

Page 2, line 24, remove "all covered claims pending on the"

Page 2, line 25, remove "effective date of this Act and"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1336: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1336 was placed on the Eleventh order on the calendar.

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

**Bradley C. Fay, Chief Clerk**