

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

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Bismarck, March 21, 2005

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

The prayer was offered by Major Dale Hale, Salvation Army, Bismarck.

The roll was called and all members were present except Representatives Boe, Boehning, Brusegaard, N. Johnson, Nicholas, and Price.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 18, 2005, I have signed the following: HB 1048.

POINT OF PERSONAL PRIVILEGE

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

PROCLAMATION

Honoring the New Rockford-Sheyenne Boys Basketball Team for winning its first State Class B Basketball Championship.

The New Rockford-Sheyenne Rockets Boys Basketball Team won its first ever North Dakota Class B Basketball Championship on Saturday, March 19, 2005. Rep. Devlin and I are proud to honor the team, Coach Craig Demester, his staff and the New Rockford-Sheyenne Basketball program. This year, the New Rockford-Sheyenne Rockets posted a record of 27 wins and just one loss. In the championship game, the Rockets erased a 16 point fourth quarter deficit and won one of the most thrilling Class B title games of all time over the Bottineau Braves 67-65 by making the game winning shot at the buzzer at the end of the second overtime.

New Rockford-Sheyenne Coach Craig Demester and the Rockets have amassed a record of 79 wins and 5 losses over the past three seasons and have made three consecutive appearances in the State Class B Tournament.

District 23 and the State of North Dakota are very proud of you and your accomplishments. Congratulations to the New Rockford-Sheyenne Boys Basketball Team on your first ever Class B State Championship!

REQUEST

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

SIXTH ORDER OF BUSINESS

SPEAKER KLEIN DEEMED approval of HB 1223 SB 2047 and SB 2102.

HB 1223, as amended, was placed on the Eleventh order of business on the calendar.

SB 2047 and SB 2102, as amended, were placed on the Fourteenth order of business on the calendar.

SIXTH ORDER OF BUSINESS

SB 2303: REP. KASPER (Government and Veterans Affairs Committee) MOVED that the amendments on HJ page 1195 be adopted with **DO PASS**.

REQUEST

REP. AMERMAN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2303, which request was granted.

ROLL CALL

The question being the motion to adopt the amendments to SB 2303, the roll was called and there were 63 YEAS, 25 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Bernstein; Brandenburg; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Grande; Haas; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Monson; Nelson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

NAYS: Aarsvold; Amerman; Boucher; Conrad; Ekstrom; Froelich; Glassheim; Guleson; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Williams; Zaiser

ABSENT AND NOT VOTING: Boe; Boehning; Brusegaard; Johnson, N.; Nicholas; Price

The motion to adopt the amendments to SB 2303 passed.

MOTION

REP. MONSON MOVED that the rules be suspended and that SB 2303, as amended, be placed on the Fourteenth order for immediate second reading, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2303: A BILL for an Act to amend and reenact sections 54-05.1-03 and 54-05.1-04 of the North Dakota Century Code, relating to lobbyist registration and reporting requirements and the authority of the secretary of state; 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 69 YEAS, 19 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Grande; Haas; Hanson; Hawken; Herbel; Horter; Iverson; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Meyer, S.; Monson; Nelson; Norland; Nottestad; Owens; Pietsch; Porter; Potter; Rennerfeldt; Ruby; Sitte; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

NAYS: Aarsvold; Amerman; Bellew; Ekstrom; Glassheim; Guleson; Headland; Hunskor; Kaldor; Kroeber; Metcalf; Mueller; Onstad; Pollert; Sandvig; Schmidt; Skarphol; Solberg; Zaiser

ABSENT AND NOT VOTING: Boe; Boehning; Brusegaard; Johnson, N.; Nicholas; Price

SB 2303, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1526: A BILL for an Act to create and enact a new section to chapter 54-17 of the North Dakota Century Code, relating to creation of an industrial commission tribal-state guaranty program; 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 85 YEAS, 3 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Carlson; Dosch; Weiler

ABSENT AND NOT VOTING: Boe; Boehning; Brusegaard; Johnson, N.; Nicholas; Price

Engrossed HB 1526 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1527: A BILL for an Act to create and enact a new section to chapter 43-51 of the North Dakota Century Code, relating to military service member exceptions to occupational licensing board license renewal requirements; to provide for application; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; 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: Boe; Boehning; Brusegaard; Johnson, N.; Nicholas; Price

Reengrossed HB 1527 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. KERZMAN MOVED that the House reconsider its action whereby SB 2245 failed to pass, which motion lost on a verification vote.

MOTION

REP. HAWKEN MOVED that the House reconsider its action whereby SB 2213 failed to pass, which motion lost on a verification vote.

SECOND READING OF SENATE BILL

SB 2031: A BILL for an Act to provide an appropriation for providing training for law enforcement officers and other emergency service providers; and to provide for a report to the budget section.

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 78 YEAS, 10 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Bernstein; Boucher; Brandenburg; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Bellew; Belter; Carlson; Delzer; Headland; Kasper; Kreidt; Pollert; Ruby; Weiler

ABSENT AND NOT VOTING: Boe; Boehning; Brusegaard; Johnson, N.; Nicholas; Price

SB 2031 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2111: A BILL for an Act to amend and reenact subsection 1 of section 47-30.1-22 of the North Dakota Century Code, relating to notice of sale of abandoned property by the unclaimed property administrator.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 4 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Delzer; Devlin; Dietrich; Koppelman

ABSENT AND NOT VOTING: Boe; Boehning; Brusegaard; Johnson, N.; Nicholas; Price

SB 2111 passed and the title was agreed to.

MOTION

REP. BERG MOVED that HB 2164 be returned to the House Floor from the Senate, which motion prevailed.

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

MR. PRESIDENT: The House respectfully requests the return of: SB 2164.

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

MR. SPEAKER: The Senate accedes to the House request for the return of: SB 2164.

MOTION

REP. BELLEW MOVED that the House reconsider its action whereby SB 2164 failed to pass, which motion lost on a verification vote.

MOTION

REP. MONSON MOVED that the House stand in recess until 4:30 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Klein presiding.

SECOND READING OF SENATE BILL

SB 2190: A BILL for an Act to amend and reenact section 50-24.1-02.8 of the North Dakota Century Code, relating to transfers involving annuities.

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 83 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Herbel; Horter; Hunskor; Johnson, D.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson;

Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Boe; Boehning; Brusegaard; DeKrey; Headland; Iverson; Johnson, N.; Nicholas; Norland; Price; Timm

Engrossed SB 2190 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2147: A BILL for an Act to create and enact a new section to chapter 4-01 and a new section to chapter 6-09 of the North Dakota Century Code, relating to the establishment of a certified beef program and a livestock loan guarantee program; to amend and reenact section 4-14.1-03.1 of the North Dakota Century Code, relating to agricultural grants; to provide for a report; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 0 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Boe; Boehning; Brusegaard; DeKrey; Headland; Iverson; Johnson, N.; Nicholas; Norland; Price

Reengrossed SB 2147 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2326: A BILL for an Act to amend and reenact sections 4-10-01 and 4-10-06.3 of the North Dakota Century Code, relating to seed potato certification requirements; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Boe; Boehning; Brusegaard; DeKrey; Headland; Iverson; Johnson, N.; Nicholas; Price

Engrossed SB 2326 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2188: A BILL for an Act to amend and reenact subsection 4 of section 57-02-27.2 of the North Dakota Century Code, relating to the capitalization rate used for valuation and assessment of agricultural lands for property tax purposes; 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 58 YEAS, 27 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Delmore; Dosch; Drovdal; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Horter; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Norland; Owens; Pietsch; Pollert; Porter; Potter; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Weiler; Wieland; Wrangham; Zaiser; Speaker Klein

NAYS: Amerman; Bellew; Damschen; Delzer; Devlin; Dietrich; Ekstrom; Froelich; Froseth; Gulleson; Herbel; Hunskor; Johnson, D.; Kerzman; Kingsbury; Meyer, S.; Monson; Mueller; Nelson; Nottestad; Onstad; Rennerfeldt; Ruby; Vigasaa; Wall; Weisz; Williams

ABSENT AND NOT VOTING: Boe; Boehning; Brusegaard; DeKrey; Headland; Iverson; Johnson, N.; Nicholas; Price

Engrossed SB 2188 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2272: A BILL for an Act to provide for a legislative council study of circumstances in which property should cease to be considered agricultural property for property tax purposes and a legislative council study of transferability of income tax credits for installation of geothermal, solar, or wind energy devices.

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 74 YEAS, 10 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Devlin; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Herbel; Horter; Hunskor; Johnson, D.; Kaldor; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Bellew; Delzer; Drovdal; Kasper; Rennerfeldt; Ruby; Skarphol; Wald; Wall; Weiler

ABSENT AND NOT VOTING: Boe; Boehning; Brusegaard; DeKrey; Headland; Iverson; Johnson, N.; Kelsh, S.; Nicholas; Price

SB 2272 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2215: A BILL for an Act to provide for a legislative council study relating to private sector employers securing health insurance through health insurance pools.

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Herbel; Horter; Hunskor; Johnson, D.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thorpe; Uglem; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Delzer; Skarphol; Thoreson; Timm; Wald

ABSENT AND NOT VOTING: Boe; Boehning; Brusegaard; DeKrey; Headland; Iverson; Johnson, N.; Nicholas; Price

Engrossed SB 2215 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2265: A BILL for an Act to amend and reenact sections 32-12.1-02, 32-12.1-03, and 32-12.2-02 of the North Dakota Century Code, relating to civil liability of political subdivisions and the state; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 71 YEAS, 14 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boucher; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Devlin; Dietrich; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Herbel; Hunskor; Johnson, D.; Kaldor; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Amerman; Bellew; Brandenburg; Delzer; Dosch; Froelich; Gulleson; Horter; Kasper; Keiser; Kerzman; Kretschmar; Meyer, S.; Wrangham

ABSENT AND NOT VOTING: Boe; Boehning; Brusegaard; DeKrey; Headland; Iverson; Johnson, N.; Nicholas; Price

Engrossed SB 2265 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2115: A BILL for an Act to provide for a legislative council study of the process to negotiate and quantify reserved water rights.

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 84 YEAS, 1 NAY, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

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

NAYS: Skarphol

ABSENT AND NOT VOTING: Boe; Boehning; Brusegaard; DeKrey; Headland; Iverson; Johnson, N.; Nicholas; Price

Engrossed SB 2115 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2268: A BILL for an Act to provide for a legislative council study of waste rubber recycling and remediation.

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 64 YEAS, 20 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boucher; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Devlin; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Horter; Hunsakor; Johnson, D.; Kaldor; Kelsh, S.; Kempenich; Kerzman; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Onstad; Owens; Pietsch; Potter; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thorpe; Uglem; Vigasaa; Wald; Wall; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Bellew; Brandenburg; Delzer; Drovdal; Herbel; Kasper; Keiser; Kelsch, R.; Kingsbury; Kreidt; Nottestad; Pollert; Porter; Rennerfeldt; Ruby; Skarphol; Thoreson; Timm; Weiler; Wrangham

ABSENT AND NOT VOTING: Boe; Boehning; Brusegaard; DeKrey; Headland; Iverson; Johnson, N.; Nicholas; Price; Weisz

Engrossed SB 2268 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2239: A BILL for an Act to create and enact a new section to chapter 9-01, three new sections to chapter 47-05, and a new section to chapter 47-16 of the North Dakota Century Code, relating to wind option agreements, easements, and leases.

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 61 YEAS, 23 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boucher; Brandenburg; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Ekstrom; Froelich; Froseth; Glassheim; Grande; Gulleson; Haas; Horter; Hunsakor; Johnson, D.; Kaldor; Kelsh, S.; Kempenich; Kerzman; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Onstad; Pietsch; Pollert; Potter; Rennerfeldt; Sandvig; Schmidt; Solberg; Svedjan; Thoreson; Thorpe; Uglem; Vigasaa; Wald; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Bellew; Carlisle; Delzer; Dosch; Drovdal; Hanson; Hawken; Kasper; Keiser; Kelsch, R.; Kingsbury; Klemin; Kreidt; Meier, L.; Nottestad; Owens; Porter; Ruby; Sitte; Skarphol; Timm; Weiler; Wrangham

ABSENT AND NOT VOTING: Boe; Boehning; Brusegaard; Galvin; Headland; Herbel; Iverson; Johnson, N.; Nicholas; Price

Engrossed SB 2239 lost and the title was agreed to.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently failed: SB 2213.

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

MR. PRESIDENT: The House has failed to pass: SB 2245.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2031, SB 2111, SB 2303.

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 1527.

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 1526.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2147, SB 2188, SB 2190, SB 2215, SB 2272.

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 2265, SB 2326.

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

MR. PRESIDENT: The House has passed unchanged: SB 2115, SB 2239, SB 2268.

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

MR. PRESIDENT: The House has failed to pass: SB 2164.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1193 and HB 1211.

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 1041, HB 1052, HB 1064, HB 1086, HB 1091, HB 1156, HB 1178, HB 1241, HB 1263, HB 1413.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 21, 2005: SB 2024, SB 2033, SB 2099, SB 2112, SB 2159, SB 2170, SB 2183, SB 2191, SB 2202, SB 2211, SB 2219, SB 2273, SB 2345, SB 2410.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1262, HB 1354, HB 1368, HB 1398.

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

MR. SPEAKER: The Senate has amended and subsequently failed: HB 1509.

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

MR. SPEAKER: The Senate has failed to pass: HB 1449.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1076, HB 1108, HB 1248, HB 1272, HB 1276, HB 1290, HB 1333, HB 1350, HB 1478.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1076

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-09 and a new section to chapter 15.1-18 of the North Dakota Century Code, relating to approval of teachers by the education standards and practices board; and to amend and reenact sections 15.1-06-06, 15.1-13-13, 15.1-18-02, 15.1-18-07, 15.1-18-08, 15.1-18-09, 15.1-18-10, and 15.1-18.1-02 of the North Dakota Century Code, relating to teaching licenses and the approval of teachers by the education standards and practices board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-06-06 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-06. Approval of public and nonpublic schools. Each public and nonpublic school in this state offering elementary or secondary education to students must be approved by the superintendent of public instruction. Except as otherwise provided by law, the superintendent may not approve a school unless:

1. Each classroom teacher ~~holds a valid teaching certificate issued~~ is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
2. Each classroom teacher is teaching only in those course areas or fields for which the teacher is licensed or for which the teacher has received an exception under section 2;
3. The students are offered all subjects required by law; and
3. 4. The school is in compliance with all local and state health, fire, and safety laws.

SECTION 2. A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

Licensure to teach - Course area or field - Request for exception - Report.

1. If the board of a school district or of a nonpublic school is unable to fill a particular position by recruiting or assigning an individual who is licensed to teach in that particular course area or field, the school board may fill the position with an individual who is not licensed to teach in that particular course area or field, provided the individual:
 - a. Is licensed to teach by the education standards and practices board or is approved to teach by the education standards and practices board;
 - b. Holds at least a minor or a minor equivalency in the course area or field in which the individual seeks to teach; and
 - c. Has received a temporary exception under this section.
2. The education standards and practices board shall adopt rules governing the issuance of temporary exceptions under this section. Except for a case of sudden and unexpected vacancy occurring during the school calendar, the rules must require consideration of a school board's efforts to fill a particular position and the school board's efforts to explore alternative methods of education delivery to the students. The rules must also require that the individual submit a plan for a course of study which will enable the individual to obtain a major or a major equivalency in the course area or field in which the individual seeks to teach.
3. An exception granted under this section is valid only through the conclusion of the school year in which the request for exception is submitted to the education standards and practices board. The board may extend the exception by one-year increments, provided the individual demonstrates successful completion of a least one-third of the total course of study prior to each requested extension.
4. At the conclusion of each school year, the education standards and practices board shall file a report with the legislative council. The report must cite all requests for exceptions under this section received by the board during the school year and must include the board's response to each request and a brief description of the board's rationale.

SECTION 3. AMENDMENT. Section 15.1-13-13 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-13. Provisional teaching license - Period of effectiveness - Renewal. The board may issue a provisional teaching license to an applicant ~~awaiting, pending completion of the background check required by section 15.1-13-14 or pending the receipt of official transcripts or other original, signed, or certified documents.~~ The provisional license is valid for a period of forty days and may be renewed with the approval of the board. The board may adopt rules governing the issuance of a provisional teaching license. An individual applying for a provisional teaching license may be charged a fee established by the board. However, an individual applying for the renewal of a provisional teaching license may not be charged a fee.

SECTION 4. AMENDMENT. Section 15.1-18-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18-02. (Effective through June 30, 2006) Kindergarten through grade eight - Teacher qualifications - Exceptions.

1. In order to teach kindergarten, an individual must:
 - a. Be licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and have a kindergarten endorsement; or
 - b. Be licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and demonstrate to the satisfaction of the education standards and practices board that the individual will obtain a kindergarten endorsement within two years from the date of the assignment to teach kindergarten.
2. In order to teach any grade from one through eight, an individual must:
 - a. Be licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and have a major, a minor, or an endorsement in elementary education; or
 - b. Be licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and demonstrate to the satisfaction of the education standards and practices board that the individual will obtain an endorsement in elementary education within two years from the date of the assignment to teach any grade from one through eight.
3. Notwithstanding subsection 2, an individual may teach any grade from five through eight if the individual:
 - a. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and has a major or an endorsement in middle school education; or
 - b. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and demonstrates to the satisfaction of the education standards and practices board that the individual will obtain an endorsement in middle school education within two years from the date of assignment to teach any grade from five through eight.
4. Notwithstanding subsection 2, an individual may teach grade seven or eight if the individual is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and has a major or a minor in the assigned course area or field.
5. Notwithstanding subsection 2, an individual may teach special education, foreign language, art, music, physical education, business education, and computer education at any grade level from kindergarten through eight, provided the individual is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and meets the requirements imposed by the superintendent of public instruction.

6. An individual may obtain an endorsement by completing teaching requirements and the minimum number of credit hours in courses prescribed by the education standards and practices board.
7. This section does not apply to an eminence-credentialed teacher.

(Effective after June 30, 2006) Prekindergarten and kindergarten teacher qualifications - Exceptions. In order to teach prekindergarten and kindergarten, an individual must be ~~licensed~~:

1. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and:
- ~~4- 2.~~ a. Have a major in elementary education and a kindergarten endorsement;
- ~~2-~~ b. Have a major equivalency in elementary education and a kindergarten endorsement;
- ~~3-~~ c. Have a major in elementary education and an early childhood education endorsement;
- ~~4-~~ d. Have a major equivalency in elementary education and an early childhood education endorsement;
- ~~5-~~ e. Have a major in early childhood education; or
- ~~6-~~ f. Have a major equivalency in early childhood education.

SECTION 5. AMENDMENT. Section 15.1-18-07 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18-07. (Effective after June 30, 2006) Elementary school teacher qualifications.

1. In order to teach any grade in an elementary school that offers grades one through six or in order to teach any grade in an elementary school that offers grades one through eight, an individual must be ~~licensed~~:
 - a. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and:
 - ~~a-~~ b. (1) Have a major in elementary education; or
 - ~~b-~~ (2) Have a major equivalency in elementary education.
2. Notwithstanding the provisions of subsection 1, an individual may teach any grade from one through three in an elementary school provided the individual is ~~licensed~~:
 - a. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and:
 - ~~a-~~ b. (1) Has a major in early childhood education; or
 - ~~b-~~ (2) Has a major equivalency in early childhood education.

SECTION 6. AMENDMENT. Section 15.1-18-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18-08. (Effective after June 30, 2006) Middle school teacher qualifications.

1. In order to teach any grade from five through eight in a middle school, an individual must be ~~licensed~~:

- a. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and:
 - 4- b. (1) Have a major in middle level education, with content in the areas taught by the individual and defined by the education standards and practices board as core academic areas;
 - 2- (2) Have a major equivalency in middle level education, with content in the areas taught by the individual and defined by the education standards and practices board as core academic areas; or
 - 3- (3) Have a major, a major equivalency, a minor, or a minor equivalency in each area taught by the individual and not defined by the education standards and practices board as a core academic area.
2. Notwithstanding the provisions of subsection 1, an individual may teach grade five or six in a middle school, provided the individual is:
- a. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and
 - b. (1) Has a major in elementary education; or
(2) Has a major equivalency in elementary education.

SECTION 7. AMENDMENT. Section 15.1-18-09 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18-09. (Effective after June 30, 2006) High school qualifications. In order to teach grades seven through twelve, an individual must be ~~licensed~~:

- 1. Licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board; and:
- 4- 2. a. Have a major in the areas taught by the individual and defined by the education standards and practices board as core academic areas;
- 2- b. Have a major equivalency in the areas taught by the individual and defined by the education standards and practices board as core academic areas; or
- 3- c. Have a major, a major equivalency, a minor, or a minor equivalency in each area taught by the individual and not defined by the education standards and practices board as a core academic area.

SECTION 8. AMENDMENT. Section 15.1-18-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18-10. (Effective after June 30, 2006) Specialty areas - Teacher qualification. Notwithstanding the requirements of this chapter:

- 1. An individual may teach art, business education, computer education, a foreign language, music, physical education, ~~and~~ special education, and technology education at any grade level from ~~one~~ the kindergarten through grade eight, provided the individual:
 - a. Is licensed to teach by the education standards and practices board;
 - b. Is approved to teach in that area by the education standards and practices board; and
 - c. Meets all requirements set forth in rule by the superintendent of public instruction.
- 2. An individual may teach Native American languages provided the individual is an eminence-credentialed teacher.

3. An individual may teach in the areas of trade, industry, technical occupations, or health occupations, provided the individual has been issued a license to teach in such areas by the education standards and practices board.

SECTION 9. A new section to chapter 15.1-18 of the North Dakota Century Code is created and enacted as follows:

Rural school districts - Federal flexibility. The education standards and practices board may extend the effective dates for any provision in chapter 15.1-18 if the United States secretary of education by rule, policy, or guidance authorizes such extension.

SECTION 10. AMENDMENT. Section 15.1-18.1-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-18.1-02. National board certification program - Recertification - Board duties.

1. The board shall:
 - 4- a. Inform teachers of the national board certification program and the scholarships and services the national board provides to teachers seeking certification.
 - 2- b. Collect and review in the order received scholarship applications from individuals who are licensed to teach by the board or approved to teach by the board.
 - ~~3-a.~~ c. (1) Approve no more than seventeen applications per year under this subsection;
 - b. (2) During each year of the biennium, reserve three of the available scholarships under this subsection for individuals teaching at low-performing schools;
 - e. ~~During each year of the biennium, award no more than two of the remaining fourteen available scholarships to applicants employed by the same school district;~~
 - d. (3) Require the recipient for a scholarship under this subsection to serve during the school year as a full-time classroom teacher in a public or nonpublic school in this state; and
 - e. (4) Require the recipient for a scholarship under this subsection to participate in mentoring programs ~~and teacher evaluation programs~~ developed and implemented in the employing school or school district.
 - 4- d. Ensure that all scholarship recipients under this subsection receive adequate information regarding the level of commitment required to acquire certification.
2. The board shall collect and review in the order received scholarship applications for national board recertification from individuals who are licensed to teach by the board or approved to teach by the board and:
 - a. Approve no more than two scholarship applications per year under this subsection;
 - b. Require each recipient for a scholarship under this subsection to serve during the school year as a full-time classroom teacher in a public or nonpublic school in this state; and
 - c. Require each recipient for a scholarship under this subsection to participate in mentoring programs developed and implemented in the employing school or school district.
- 5- 3. If any individual who receives a scholarship under this section does not complete the certification process within the time allotted by the board, the

individual must reimburse the state an amount equal to one-half of the amount awarded to the individual as a scholarship.

4. At the conclusion of each of the first four school years after an individual receives national board certification, the individual is entitled to receive an additional one thousand five hundred dollars if:
 - a. The individual served during the school year as a full-time classroom teacher in a public or nonpublic school; and
 - b. The individual participated in any efforts of the employing school district to develop and implement teacher mentoring programs."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1108

Page 1, line 3, after the semicolon insert "to amend and reenact subdivision e of subsection 1 of section 57-38-30 of the North Dakota Century Code, relating to the imposition and rate of tax on corporations;"

Page 1, underscore lines 7 through 14

Page 1, after line 14, insert:

"SECTION 2. AMENDMENT. Subdivision e of subsection 1 of section 57-38-30 of the North Dakota Century Code is amended and reenacted as follows:

- e. On all taxable income above thirty thousand dollars, at the rate of ~~seven~~ six and one-half percent."

Page 1, line 15, replace "This" with "Section 1 of this"

Page 1, line 16, after the period insert "Section 2 of this Act is effective for taxable years beginning after December 31, 2006."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1248

Page 3, line 8, remove "and interest"

Page 3, line 9, after "to" insert "at least eighty percent of"

Page 3, line 23, after "child" insert "who resided and was supported financially by the deceased" and after "or" insert "by a"

Page 3, line 26, after "children" insert "who resided and were supported financially by the deceased" and after the second "or" insert "the"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1272

Page 1, line 18, replace "three-year" with "twelve-month"

Page 2, line 6, replace "shall" with "may"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1276

Page 3, line 17, after "association" insert ", and the applicant must be actively and regularly employed in and responsible for the management, supervision, and operation of the outfitting business"

Page 3, line 20, remove "or guides"

Page 3, line 21, after "standing" insert "or landowners who own agricultural land used for the outfitting business"

Page 3, line 22, remove "or guides" and replace ", actively and regularly" with "or by landowners who own agricultural land used for the outfitting business"

Page 3, remove line 23

Page 3, line 24, remove "the outfitting business"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1290

Page 1, line 9, remove ", at the individual's own cost,"

Page 1, line 12, after the period insert "The court shall provide notice to the selected provider of the required examination or testing. The provider shall notify the court of the examination or testing results, if any, and shall notify the court if the individual fails to appear for the examination or testing. The testing must be at the individual's own cost unless the court makes a specific finding on the record that the payment of testing costs by the individual will result in an undue hardship."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1333

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 57-05-11 of the North Dakota Century Code, relating to confidentiality of information relating to assessment of railroad property."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-05-11 of the North Dakota Century Code is amended and reenacted as follows:

57-05-11. Information deemed confidential. It is unlawful for the commissioner, or any person having an administrative duty under this chapter, to divulge or to make known in any manner the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or sources of income, profits, losses, expenditures, or any particulars set forth or disclosed in any report, or to permit any report or copy or any book containing any abstract of particulars to be seen or examined by any person except as provided by law. Notwithstanding the provisions of this section, hearings held by the state board of equalization under chapter 57-05 or 57-13 must be open to the public under section 44-04-19. The commissioner may authorize examination of such reports by other state officers, and may furnish to the tax officials of another state, the multistate tax commission, or the United States any information contained in the reports and related schedules and documents filed under this chapter, and in the report of an audit or investigation made with respect to an audit, provided that that information be furnished solely for tax purposes. The multistate tax commission may make that information available to the tax officials of any other state and the United States for tax purposes. This section applies only to a class II and class III railroad as defined by the surface transportation board in 49 Code of Federal Regulations, part 1201."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1350

Page 1, line 20, after "requested" insert "in writing"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1478

Page 1, line 5, remove the second "and"

Page 1, line 6, after "date" insert "; and to provide an expiration date"

Page 1, line 24, remove "After the"

Page 2, remove lines 1 through 3

Page 3, line 7, after "**DATE**" insert "- **EXPIRATION DATE**"

Page 3, line 8, after "2005" insert ", and through the month in which a cumulative total of 1,200,000 gallons of E85 fuel has been reported to the commissioner as required in section 57-43.1-02, and after that date is ineffective"

Renumber accordingly

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 2248 and SB 2353.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2129, SB 2149, SB 2251, SB 2256, SB 2261, SB 2294, SB 2298, SB 2324, SB 2388, and SCR 4021 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2129: Sens. J. Lee; Brown; Nelson

SB 2149: Sens. Dever; Brown; Warner

SB 2251: Sens. Syverson; Hacker; Triplett

SB 2256: Sens. Lyson; Freborg; Every

SB 2261: Sens. Hacker; Nelson; Triplett

SB 2294: Sens. Tollefson; Wardner; Heitkamp

SB 2298: Sens. Brown; Lyson; Warner

SB 2324: Sens. Dever; G. Lee; Triplett

SB 2388: Sens. J. Lee; Lyson; Warner

SCR4021: Sens. Erbele; Klein; Taylor

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2074, SB 2076, SB 2082, SB 2094, SB 2121, SB 2132, SB 2150, SB 2158, SB 2162, SB 2167, SB 2194, SB 2201, SB 2209, SB 2220, SB 2231, SB 2252, SB 2260, SB 2293, SB 2295, SB 2338, SB 2349, SB 2351, SB 2401.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4001, SCR 4003, SCR 4005, SCR 4009, SCR 4010, SCR 4011, SCR 4015, SCR 4016, SCR 4019, SCR 4024, SCR 4026, SCR 4027, SCR 4031, SCR 4032, SCR 4033.

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

MR. SPEAKER: The President has signed: HB 1055, HB 1073, HB 1175, HB 1254, HB 1265, HB 1283, HB 1360, HB 1482, HCR 3013, HCR 3019, HCR 3024, HCR 3025.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Thirteenth, Fourteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 22, 2005, which motion prevailed.

FIRST READING OF SENATE BILL

SB 2411: A BILL for an Act to amend and reenact subsection 5 of section 40-38-11 of the North Dakota Century Code, relating to property tax levies by joint public library services by cities and counties; and to provide an effective date.

Was read the first time and referred to the **Political Subdivisions Committee**.

REPORT OF STANDING COMMITTEE

HB 1524: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1524 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 tribal and state relations committee; and to provide an expiration date."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**SECTION 1. Committee on tribal and state relations - Membership - Duties.**

1. The committee on tribal and state relations is composed of seven members as follows:
 - a. The chairman of the legislative council or the chairman's designee;
 - b. Three members of the house of representatives, two of whom must be selected by the leader representing the majority faction of the house of representatives and one of whom must be selected by the leader representing the minority faction of the house of representatives; and
 - c. Three members of the senate, two of whom must be selected by the leader representing the majority faction of the senate and one of whom must be selected by the leader representing the minority faction of the senate.
2. The chairman of the legislative council, or the chairman's designee, shall serve as chairman of the committee.
3. The committee shall meet at such times and places as determined by the chairman. The legislative council shall provide staffing for the committee.
4. The committee, in consultation with the native American tribal citizens' task force, shall study tribal-state issues, including government-to-government relations, the delivery of services, case management services, child support enforcement, and issues related to the promotion of economic development. The committee shall report its findings and recommendations, together with any legislation required to implement those recommendations, to the legislative council.
5. The members of the committee are entitled to compensation from the legislative council for attendance at committee meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.
6. The native American tribal citizens' task force is composed of six members as follows:
 - a. The executive director of the Indian affairs commission, or the executive director's designee;
 - b. The chairman of the Standing Rock Sioux Tribe, or the chairman's designee;
 - c. The chairman of the Spirit Lake Tribe, or the chairman's designee;
 - d. The chairman of the Three Affiliated Tribes, or the chairman's designee;
 - e. The chairman of the Turtle Mountain Band of Chippewa Indians, or the chairman's designee; and
 - f. The chairman of the Sisseton-Wahpeton Sioux Tribe, or the chairman's designee.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2026, as engrossed: Political Subdivisions Committee (Rep. Devlin, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

PASS (10 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2026 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1002 and 1003 of the House Journal, Engrossed Senate Bill No. 2026 is amended as follows:

Page 1, line 3, remove "and" and after "penalty" insert "; and to declare an emergency"

Page 1, line 20, overstrike "insurance indicating liability coverage, as"

Page 1, line 21, overstrike "proof that the applicant has secured", overstrike the comma, and remove "a bond, or a letter of credit"

Page 2, line 1, remove "If a bond or letter of credit is provided in lieu of liability"

Page 2, remove lines 2 through 6

Page 2, line 7, remove "for a class D license."

Page 2, line 29, remove ", a bond, or a letter of credit"

Page 3, line 31, overstrike "insurance"

Page 4, line 1, overstrike "indicating liability coverage as proof that the applicant has secured"

Page 4, line 2, remove ", a"

Page 4, line 3, remove "bond, or a letter of credit"

Page 5, line 11, after "excuse" insert "after a deposit of money or other consideration has been provided to the licensee"

Page 6, after line 29, insert:

"SECTION 6. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2096: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2096 was placed on the Sixth order on the calendar.

Page 1, line 7, after the second boldfaced period insert:

"1."

Page 1, line 10, replace "The policy must be a policy" with:

"2. The policy must be issued by an insurer licensed, registered, or otherwise authorized to do business in this state. From the time the policy is filed with the commissioner:

a. The insurer shall maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file copies of the insurer's audited financial statements, the national association of insurance commissioners annual statement, and the actuarial certification required by and filed in the insurer's state of domicile; or

b. The insurer shall maintain surplus as to policyholders and paid-in capital of between fifteen million dollars and ten million dollars, demonstrate to the satisfaction of the commissioner that the company maintains a ratio of net written premiums, wherever written, to surplus as to policyholders and paid-in capital of not greater than three to one, and annually file copies of the insurer's audited financial statements, the national association of insurance commissioners annual statement, and the actuarial certification required by and filed in the insurer's state of domicile."

Page 1, remove lines 11 and 12

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2118: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2118 was placed on the Sixth order on the calendar.

Page 2, line 15, after "any" insert "confidential", remove "described", and after the second "in" insert "violation of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2200, as engrossed: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2200 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to provide a penalty;"

Page 1, line 7, remove "- **Penalty**"

Page 1, line 9, replace "a systems data module" with "an event data recorder"

Page 1, line 13, replace "systems data module" with "an event data recorder" and replace "device" with "feature"

Page 1, line 14, after "vehicle" insert "and does any of the following" and replace the period with "after a crash:

- a. Records the speed of the vehicle and the direction the motor vehicle is traveling.
- b. Records vehicle location data.
- c. Records steering performance.
- d. Records brake performance including whether brakes were applied before an accident.
- e. Records the driver's safety belt status.
- f. Has the ability to transmit information concerning an accident in which the vehicle has been involved to a central communications system when an accident occurs."

Page 1, line 15, replace "a recording device" with "an event data recorder"

Page 1, line 16, remove "registered" and after "vehicle" insert "at the time the data is accessed, or through consent by the owner's agent or legal representative"

Page 1, line 22, after "number" insert ", with the last four digits deleted,"

Page 2, after line 8, insert:

- "c. Upon authority of a court or other judicial or administrative authority having jurisdiction.
3. "Owner" means a person having all the incidents of ownership, including the legal title of a vehicle regardless of whether the person lends, rents, or creates a security interest in the vehicle; a person entitled to the possession of a vehicle as the purchaser under a security agreement; or the person entitled to possession of the vehicle as lessee pursuant to a written lease agreement, if the agreement at inception is for a period in excess of three months.

4. A person, including a service or data processor operating on behalf of the person, authorized to download or otherwise retrieve data from an event data recorder pursuant to subdivision a of subsection 2 may not release that data except for the purposes of motor vehicle safety and medical communities to advance motor vehicle safety, security, or traffic management; or to a data processor solely for the purposes permitted by this subsection, and only if the identity of the owner or driver of the vehicle is not disclosed."

Page 2, line 9, replace "3." with "5."

Page 2, line 10, replace "the listing of where the motor vehicle travels" with "vehicle location data"

Page 2, line 13, after "the" insert "terms and conditions of the" and remove "agreement"

Page 2, remove lines 16 and 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2204, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2204 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 13-01-14 of the North Dakota Century Code, relating to the amount of late payment charges on medical bills.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 13-01-14 of the North Dakota Century Code is amended and reenacted as follows:

13-01-14. Late payment charge on accounts receivable.

1. A creditor may charge, receive, and collect a late payment charge on all money due on account from thirty days after the obligation of the debtor to pay has been incurred.
2. Except as provided in subsection 4, the late payment charge may not exceed one and three-fourths percent per month.
3. The late payment charge provided in this section may be charged only if, when the obligation was incurred, the creditor did not intend to extend any credit beyond thirty days and any late payment of the obligation was unanticipated.
4. A creditor may not charge, receive, or collect a late payment charge on medical or hospital bills during the initial ninety days following services. A late payment charge may be imposed at a rate that does not exceed one percent per month, ~~but the charge cannot exceed twenty five dollars per month.~~ This subsection does not apply in cases of financial hardship as certified by the creditor.
5. This section does not apply to:
 - a. Money due on retail installment contracts, as defined in chapter 51-13.
 - b. Money due on revolving charge accounts, as defined in chapter 51-14."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2208: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS,

2 ABSENT AND NOT VOTING). SB 2208 was placed on the Sixth order on the calendar.

Page 16, line 23, after the period insert "However, a child under the age of seven who is at least fifty-seven inches [1.45 meters] tall and who weighs at least eighty pounds [36.28 kilograms] is not required to use a child restraint system."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2227, as engrossed: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2227 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and" and after "23-11-24" insert ", and 23-11-29"

Page 7, line 22, replace "under subdivision b of" with "in accordance with chapter 21-03."

Page 7, remove line 23

Page 7, line 24, replace "determine, within the authority's area of operation, that the authority dispense" with "develop a plan identifying the public purposes of the authority's ownership, conditions that would make the authority's ownership no longer necessary for accomplishing those public purposes, and a plan to divest the authority's ownership interest as soon as economically prudent once those conditions occur and to effectuate the plan."

Page 7, remove lines 25 through 30

Page 8, remove lines 1 through 5

Page 8, line 12, after the period insert "The construction of a housing project is a public improvement for which an authority is subject to the competitive bidding requirements of chapter 48-01.1."

Page 13, remove lines 11 through 20

Page 13, line 21, replace "c." with "b."

Page 13, after line 26, insert:

"SECTION 9. AMENDMENT. Section 23-11-29 of the North Dakota Century Code is amended and reenacted as follows:

23-11-29. Tax exemptions and payments in lieu of taxes. The property of an authority used for low-income housing, including an authority created under Indian laws recognized by the federal government, is declared to be public property used for essential public and governmental purposes and is exempt from all taxes and special assessments of the ~~city, the county, the state, or any political subdivision thereof~~. In lieu of ~~such~~ taxes or special assessments, an authority may agree to make payments to the ~~city, county, state, or any such political subdivision~~ for improvements, services, and facilities furnished ~~thereby~~ by the state or political subdivision for the benefits of a housing project, ~~but in no event may such~~. The payments may not exceed the estimated cost to such city, county, or political subdivision of the improvements, services, or facilities to be so furnished. Notwithstanding any other provision of law, the property of an authority used for moderate income housing is exempt from all taxes of the state or any political subdivision except special assessments unless specifically exempted from the special assessment by the political subdivision."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2301: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2301 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "three" with "one" and replace "sections" with "section"

Page 1, line 2, remove "county payment of costs of the" and replace "agency, employment of" with "enforcement"

Page 1, remove line 3

Page 1, line 4, remove "agencies" and remove "sections 14-09-09.10, 35-34-01, and 50-01.2-00.1,"

Page 1, line 5, after "50-01.2-03.2" insert "and" and remove "50-09-01, subsection 16 of section 50-09-02,"

Page 1, line 6, remove "and sections 50-09-03, 50-09-08," and remove ", 50-24.1-03.1, and 50-24.1-03.2"

Page 1, line 7, remove "state"

Page 1, line 8, after the first semicolon insert "to provide for a child support enforcement task force;" and remove "to provide an appropriation;"

Page 1, line 9, replace "effective" with "expiration"

Page 1, remove lines 11 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 24

Page 5, line 24, after the period insert "The department shall distribute child support incentive funds according to a formula that promotes performance and consistency in child support enforcement activities throughout the state."

Page 5, remove lines 25 through 31

Page 6, remove lines 1 through 30

Page 7, remove lines 1 through 29

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 9

Page 10, line 6, replace "Three" with "A" and replace "sections" with "section"

Page 10, line 7, replace "are" with "is"

Page 10, replace lines 8 through 31 with:

"Administration of child support enforcement activities. The state agency shall identify any activity of the child support enforcement program the state agency believes may be administered more effectively, efficiently, or consistently through an agreement between two or more child support agencies or through an agreement for centralized administration under section 50-09-33 and shall direct a child support agency to enter an agreement to perform that activity on terms prescribed by the state agency. The department may not pay any incentive funds to a county or a child support agency that does not enter an agreement under this section. Any attorney performing an activity under this section represents the state and shall obtain an appointment from the attorney general under section 54-12-08.

SECTION 5. CHILD SUPPORT ENFORCEMENT TASK FORCE. The state agency shall convene a child support enforcement task force that includes two members of the legislative assembly appointed by the chairman of the legislative council and representatives from the state agency, the counties, and the judicial system. The state agency shall extend invitations to representatives from Indian tribes. The task force shall study the organizational and programmatic structure of the child support enforcement program to determine how to enhance service delivery, improve performance, and increase efficiencies. The study must consider the impact on customers, the effect on Indian counties, and the fiscal effect on counties and the state. The findings and recommendations, together with any legislation required to implement

the recommendations, must be presented by the state agency to the sixtieth legislative assembly."

Page 11, remove lines 1 through 31

Page 12, remove lines 1 through 17

Page 12, line 19, replace "reduction in county funding under" with "authority granted to the department of human services in" and replace "11" with "4"

Page 12, line 20, remove "and the corresponding increase in state funding"

Page 12, line 21, replace "offset to the greatest extent feasible by increased" with "exercised to increase"

Page 12, line 24, replace ", including a comprehensive review by the" with ". The"

Page 12, line 25, replace the first "of" with "shall review"

Page 12, line 26, after "state" insert "and county"

Page 12, replace lines 27 through 30 with:

"SECTION 7. EXPIRATION DATE. Section 5 of this Act is effective through June 30, 2007, and after that date is ineffective."

Page 13, remove lines 1 through 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2336, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2336 was placed on the Sixth order on the calendar.

Page 1, line 14, overstrike "qualified elector who is a citizen of the United States", remove the underscored comma, and overstrike "lives outside the"

Page 1, line 15, overstrike "United States" and remove ", and who resided in this state immediately before the individual's"

Page 1, line 16, remove "departure from the United States" and overstrike "or a"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2361, as engrossed: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2361 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new section to chapter 14-03 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to premarital counseling; and"

Page 1, line 13, overstrike "also"

Page 1, line 14, replace "ninety-four" with "thirty-five"

Page 1, line 15, remove ", except if"

Page 1, remove lines 16 through 22

Page 1, line 23, remove "premarital counseling"

Page 2, remove lines 18 through 31

Page 3, remove lines 1 through 7

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2395, as reengrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Reengrossed SB 2395 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 901 and 902 of the House Journal, Reengrossed Senate Bill No. 2395 is amended as follows:

Page 1, line 6, after the first semicolon insert "to provide for a report to the legislative council;"

Page 1, line 17, after "Services" insert "- Definitions", after the boldfaced underscored period insert "1.", and after "provide" insert "payment of a maximum of fifty thousand dollars per child per biennium for"

Page 1, line 18, remove "coverage for" and replace "under" with "through"

Page 1, line 20, remove "treatment"

Page 1, line 22, remove "treatment"

Page 1, line 23, remove "readily available employer-based" and after "insurance" insert "available to the parent on a group basis or through an employer or union"

Page 2, line 1, replace "There may be no" with:

"2. For purposes of this section:

- a. "Growth hormone treatment" means a drug prescribed by a physician or other licensed practitioner for the long-term treatment of growth failure, the supplies necessary to administer the drug, one out-of-state physician visit per year to obtain expert consultation for the management of Russell-Silver syndrome, appropriate in-state physician visits, and the travel expenses associated with physician visits for the child and one parent.
- b. "Medical food" means a formula that is intended for the dietary treatment of a disease or condition for which nutritional requirements are established by medical evaluation and is formulated to be consumed or administered under the direction of a physician as well as any medical procedure and supplies necessary for assimilation of the formula."

Page 2, remove line 2

Page 2, line 5, remove "The department shall"

Page 2, remove lines 6 through 10

Page 2, line 11, remove "machine, enteral or parenteral nutrition support, or continuous oxygen."

Page 2, line 13, remove "**CHILD**"

Page 2, line 16, after "institutionalization" insert "; the comprehensive health association of North Dakota program provided for under chapter 26.1-08, including contracting for a cost-benefit analysis of this program; and the state programs providing services to children with special health care needs to determine whether the programs are effective in meeting these special health care needs, whether there are gaps in the state's system for providing services to children with special health care needs, and whether there are significant unmet special health care needs of children which should be addressed" and remove "The legislative council may assign"

Page 2, line 17, remove "portions of this study to appropriate interim committees."

Page 2, after line 19, insert:

"SECTION 5. REPORT TO LEGISLATIVE COUNCIL. During the 2005-06 interim, the department shall report to the legislative council regarding the status of the medicaid waiver to provide in-home services under section 3 of this Act, the number of applications the department receives for the in-home services, and the status of the program's appropriation."

Page 2, line 21, replace "\$135,000" with "\$150,000"

Page 2, line 23, remove "treatment"

Renumber accordingly

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

Bradley C. Fay, Chief Clerk