

## JOURNAL OF THE HOUSE

## Fifty-ninth Legislative Assembly

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Bismarck, March 25, 2005

The House convened at 8:00 a.m., with Speaker Klein presiding.

The prayer was offered by Dr. Gordon Stork, Pastor at Century Baptist Church, Bismarck.

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

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER KLEIN DEEMED** approval of SB 2002, SB 2005, SB 2010, SB 2011, SB 2012, SB 2013, SB 2017, SB 2019, SB 2022, SB 2027, SB 2157, SB 2270, SB 2274, SB 2304, SB 2411 and SCR 4039.

SB 2270, as amended, was rereferred to the **Appropriations Committee**.

SB 2002, SB 2005, SB 2010, SB 2011, SB 2012, SB 2013, SB 2017, SB 2019, SB 2022, SB 2027, SB 2157, SB 2274, SB 2304, SB 2411 and SCR 4039, as amended, were placed on the Fourteenth order of business on the calendar.

## SIXTH ORDER OF BUSINESS

**SB 2300: REP. KALDOR (Human Services Committee) MOVED** that the amendments on HJ page 1268 be adopted.

## REQUEST

**REP. KALDOR REQUESTED** that the House divide the amendments to SB 2300, which request was granted on a voice vote.

**DIVISION A:** Page 2, line 11, after "beverages" insert ",including bars located within hotels or restaurants which are in separate enclosed areas vented directly to the outdoors which are not licensed primarily or exclusively to sell alcoholic beverages"

**DIVISION B:** Page 1, line 1, all the rest of the amendments.

The question being the adoption of Division A of the proposed amendments to SB 2300, the motion passed on a verification vote.

The question being the adoption of Division B of the proposed amendments to SB 2300, the motion passed on a verification vote.

SB 2300, as amended, was placed on the Fourteenth order for immediate second reading.

## SECOND READING OF SENATE BILL

**SB 2300:** A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to smoke-free exceptions; to amend and reenact sections 23-12-09, 23-12-10, 23-12-10.2, and 23-12-11 of the North Dakota Century Code, relating to smoke-free environments; to repeal section 23-12-10.1 of the North Dakota Century Code, relating to smoking area signage; 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 60 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bernstein; Boucher; Brandenburg; Carlisle; Clark; Conrad; Damschen; Delmore; Devlin; Dietrich; Dosch; Ekstrom; Galvin; Glassheim; Gullekson; Hanson; Herbel; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nicholas; Norland; Nottestad; Onstad; Owens;

Pietsch; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thorpe; Uglem; Vigasaa; Wall; Wieland; Williams; Zaiser; Speaker Klein

**NAYS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Brusegaard; Carlson; Charging; DeKrey; Delzer; Drovdal; Froelich; Froseth; Grande; Haas; Hawken; Headland; Horter; Iverson; Kasper; Kerzman; Meyer, S.; Nelson; Pollert; Ruby; Skarphol; Thoreson; Timm; Wald; Weiler; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Kreidt

Engrossed SB 2300 passed and the title was agreed to.

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#### **SIXTH ORDER OF BUSINESS**

**SB 2389: REP. WEISZ (Transportation Committee) MOVED** that the amendments on HJ page 1309 be adopted with **DO PASS**, which motion prevailed.

#### **MOTION**

**REP. MONSON MOVED** that the rules be suspended and that SB 2389, as amended, be placed on the Fourteenth order for immediate second reading, which motion prevailed.

#### **SECOND READING OF SENATE BILL**

**SB 2389:** A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to below-cost sales in the marketing and selling of motor fuel.

#### **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 26 YEAS, 67 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boucher; Brusegaard; Charging; Conrad; Ekstrom; Froelich; Froseth; Glassheim; Gulleson; Johnson, D.; Kasper; Kingsbury; Kretschmar; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Onstad; Sandvig; Schmidt; Solberg; Timm; Zaiser

**NAYS:** Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brandenburg; Carlisle; Carlson; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Galvin; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunsakor; Iverson; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Koppelman; Kroeber; Maragos; Martinson; Meier, L.; Nelson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

**ABSENT AND NOT VOTING:** Kreidt

SB 2389 lost.

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#### **MOTION**

**REP. MONSON MOVED** that all the DO NOT CONCURS on the Twelfth Order be adopted, which motion prevailed.

#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BELTER MOVED** that the House do not concur in the Senate amendments to HB 1209 as printed on HJ pages 1262-1264 and that a conference committee be appointed to meet with a like committee from the Senate.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1209: Reps. Belter, Headland, Froelich.

#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. CARLSON MOVED** that the House do not concur in the Senate amendments to HB 1259 as printed on HJ page 1192 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1259: Reps. Carlson, Monson, Williams.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do not concur in the Senate amendments to HB 1290 as printed on HJ page 1216 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1290: Reps. Bernstein, Maragos, Onstad.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEVLIN MOVED** that the House do not concur in the Senate amendments to HB 1438 as printed on HJ page 1265 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1438: Reps. Herbel, N. Johnson, Kaldor.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. HAAS MOVED** that the House do not concur in the Senate amendments to HB 1453 as printed on HJ page 1265 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1453: Reps. Grande, Galvin, Potter.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2256: Reps. Nelson, DeKrey, Hanson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2266: Reps. Nelson, Porter, Sandvig.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2294: Reps. Nottestad, D. Johnson, S. Kelsh.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. KRETSCHMAR MOVED** that the House do not concur in the Senate amendments to HCR 3048 as printed on HJ page 1234 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HCR 3048: Reps. Kretschmar, Kasper, Sandvig.

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2389.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2300.

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

**MR. PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2256:** Reps. Nelson; DeKrey; Hanson

**SB 2266:** Reps. Nelson; Porter; Sandvig

**SB 2294:** Reps. Nottestad; D. Johnson; S. Kelsh

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1209, HB 1259, HB 1290, HB 1438, HB 1453, and HCR 3048 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1209:** Reps. Belter; Headland; Froelich  
**HB 1259:** Reps. Carlson; Monson; Williams  
**HB 1290:** Reps. Bernstein; Maragos; Onstad  
**HB 1438:** Reps. Herbel; N. Johnson; Kaldor  
**HB 1453:** Reps. Grande; Galvin; Potter  
**HCR3048:** Reps. Kretschmar; Kasper; Sandvig

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1120, HB 1168, HB 1171, HB 1475, HB 1528, HCR 3042, HCR 3047.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1089, HB 1119, HCR 3035, HCR 3041.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1274.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HCR 3017.

**SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3017**

Page 1, line 6, replace "begins at" with "should be protected at every stage of biological development; and"

Page 1, remove lines 7 through 10

Page 1, line 17, replace "by" with "but"

Page 2, line 11, remove "at the moment of fertilization"

ReNUMBER accordingly

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1473.

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1473**

Page 2, line 7, after the period insert "If the commission determines that consultant services are necessary to assist the commission in conducting its assigned studies, the commission may request funding for consultant services from the legislative council and other interested entities."

ReNUMBER accordingly

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1231, HB 1284, HB 1291, HB 1348.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1231**

Page 1, line 1, after "to" insert "create and enact three new sections to chapter 25-07 of the North Dakota Century Code, relating to the provision of services to individuals who are deaf or hearing impaired; and to"

Page 1, line 8, replace "must" with "may"

Page 3, after line 20, insert:

**"SECTION 7.** A new section to chapter 25-07 of the North Dakota Century Code is created and enacted as follows:

School for the deaf - Adult services.

1. The school for the deaf may provide services to adults who are deaf or hearing impaired. The services may include:

a. Consultations;

b. Evaluations;

- c. Information;
  - d. Auditory training;
  - e. Training in the use of technology and assistive technologies;
  - f. Training in life skills; and
  - g. Recreational opportunities.
2. The school for the deaf may assist adults who are deaf or hearing impaired in obtaining access to vocational rehabilitation programs, developmental disabilities programs, aging services, captioned media services, communications services, and advocacy services. The school for the deaf also may assist individuals in obtaining residential placements in independent living facilities.

**SECTION 8.** A new section to chapter 25-07 of the North Dakota Century Code is created and enacted as follows:

Provision of services - Collaboration. The school for the deaf may collaborate with public and private entities for the provision of services to individuals who are deaf or hearing impaired.

**SECTION 9.** A new section to chapter 25-07 of the North Dakota Century Code is created and enacted as follows:

Data base. The school for the deaf may maintain a data base of individuals who are deaf or hearing impaired."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1284**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 51-12-01 of the North Dakota Century Code, relating to false and misleading advertising; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 51-12-01 of the North Dakota Century Code is amended and reenacted as follows:

**51-12-01. False and misleading advertising prohibited.** No person, firm, corporation, limited liability company, or association with intent to sell, dispose of, increase the consumption of, or induce the public to enter into an obligation relative to, or to acquire title or interest in any food, drug, medicine, patent and proprietary product, merchandise, security, service, performance, medical treatment, paint, varnish, oil, clothing, wearing apparel, machinery, or anything offered to the public, may make, publish, disseminate, circulate, or place before the public, or directly or indirectly shall cause to be made, published, disseminated, circulated, or placed before the public in a newspaper, or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, tab, label, letter, or in any other way, an advertisement which contains any assertion, representation, or statement of fact, including the price thereof, which is untrue, deceptive, or misleading regarding such food, drug, medicine, patent and proprietary product, merchandise, security, service, performance, medical treatment, paint, varnish, oil, clothing, wearing apparel, machinery, or anything offered to the public."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1291**

Page 1, line 1, replace "section" with "sections" and after "23-25-11" insert "and 42-04-01"

Page 1, line 2, after "operations" insert "and livestock auction markets"

Page 1, line 15, replace "within" with "at a point that is at least one-half mile [.80 kilometer] from the"

Page 1, remove lines 16 and 17

Page 2, line 14, remove the second "section" and after the underscored comma insert "or if the setback distance under subsection 7 is greater than one-half mile [.80 kilometer]."

Page 4, line 1, replace "animals" with "animal units"

Page 4, line 3, replace "animals" with "animal units"

Page 4, line 4, replace "animals" with "animal units"

Page 4, line 6, replace "animals" with "animal units"

Page 4, line 7, replace "animals" with "animal units"

Page 4, line 10, replace "animals" with "animal units"

Page 4, line 11, replace "animals" with "animal units"

Page 4, line 14, replace "animals" with "animal units"

Page 4, after line 23, insert:

**"SECTION 2. AMENDMENT.** Section 42-04-01 of the North Dakota Century Code is amended and reenacted as follows:

**42-04-01. Agricultural operation defined.** As used in this chapter, "agricultural operation" means the science and art of ~~production of~~ producing plants and animals useful to people; by a corporation or a limited liability company as allowed under chapter 10-06.1; or by a corporation or limited liability company, a partnership, or a proprietorship; ~~and including, to a variable extent,~~ includes the preparation of these products for people's use and ~~their~~ the disposal of these products by marketing ~~otherwise, and~~ other means. The term includes livestock auction markets and horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products, and farm production."

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1348**

Page 1, line 1, remove "14-07.1-01," and remove the second comma

Page 1, remove lines 4 through 24

Page 2, remove lines 1 through 7

Page 2, line 23, replace "shall" with "may" and replace "is the" with "has engaged in the most immediately significant aggression"

Page 2, line 24, remove "predominant aggressor" and after "factors" insert an underscored comma

Page 2, line 25, overstrike the comma and remove "the"

Page 2, line 26, remove "comparable size and strength of each party,"

Page 3, line 5, replace "was" with "has engaged in the most immediately significant aggression"

Page 3, line 6, remove the first "the predominant aggressor" and replace the second "the predominant aggressor" with "that individual"

Renumber accordingly

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2047, SB 2096, SB 2188, SB 2200, SB 2205, and SB 2361 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2047:** Sens. Trenbeath; Nothing; Bercier

**SB 2096:** Sens. Mutch; Espegard; Bercier

**SB 2188:** Sens. Cook; Wardner; Every  
**SB 2200:** Sens. Trenbeath; Hacker; Nelson  
**SB 2205:** Sens. Espegard; Nething; Warner  
**SB 2361:** Sens. Dever; G. Lee; Fairfield

**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 2006, SB 2073, SB 2232, SB 2290, SB 2325, SB 2335, SB 2362, SB 2375, SB 2378, SB 2393.

**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 4013, SCR 4023, SCR 4034.

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

**MR. SPEAKER:** The President has signed: HB 1051, HB 1116, HB 1130, HB 1140, HB 1141, HB 1185.

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

**MR. SPEAKER:** The President has signed: HCR 3026, HCR 3033.

**MOTION**

**REP. MONSON MOVED** that the absent member 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., Monday, March 28, 2005, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1190:** Your conference committee (Sens. Dever, Lyson, Warner and Reps. Kreidt, Devlin, Potter) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 832, adopt amendments as follows, and place HB 1190 on the Seventh order:

That the Senate recede from its amendments as printed on page 832 of the House Journal and page 607 of the Senate Journal and that Engrossed House Bill No. 1190 be amended as follows:

Page 2, line 14, replace "a tribal reservation" with "an Indian tribe"

Renumber accordingly

HB 1190 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1200, as engrossed:** Your conference committee (Sens. Dever, J. Lee, Brown and Reps. Pietsch, Weisz, Sandvig) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 986-B

That the Senate recede from its amendments as printed on page 986 of the House Journal and pages 738 and 739 of the Senate Journal and that Engrossed House Bill No. 1200 be amended as follows:

Page 3, line 6, after "to" insert "a board-approved" and remove the overstrike over "~~medical~~"

Page 3, line 7, remove "a health care" and remove "health system,"

Renumber accordingly

Engrossed HB 1200 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1402, as engrossed:** Your conference committee (Sens. Heitkamp, Traynor, Lyson and Reps. Drovdal, Norland, Solberg) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1189 and place HB 1402 on the Seventh order.

Engrossed HB 1402 was placed on the Seventh order of business on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1524, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1524 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2280, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2280 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "eighteen" with "seventeen"

Page 1, line 3, remove the first comma

Page 1, line 4, replace "61-01.1-04.1" with "63-01.1-04.1" and replace "61-03.1-05" with "63-01.1-05"

Page 1, line 7, remove the second "and"

Page 1, line 8, after "boards" insert "; to provide for reports to the legislative council; and to provide a penalty"

Page 5, line 1, replace "Forward" with "Except as otherwise provided, forward"

Page 14, line 20, overstrike "state" and insert immediately thereafter "landowner assistance"

Page 22, after line 25, insert:

**"SECTION 28.** A new section to chapter 63-01.1 of the North Dakota Century Code is created and enacted as follows:

Investigation by agriculture commissioner - Conflict of interest. If an individual who provided written notice of an alleged failure to eradicate or control noxious weeds believes that the matter has not been addressed satisfactorily by the weed board within twenty-one days from the date of the complaint, the individual may provide written notification to the local governing authority. If the individual who provided notice of an alleged failure to eradicate or control noxious weeds believes that the matter has not been addressed satisfactorily by the local governing authority within twenty-one days from the date of the notice to the local governing authority, the individual may provide written notification to the agriculture commissioner. Upon receiving such notification, the agriculture commissioner shall investigate the matter. If the commissioner determines that a weed board has not addressed the matter satisfactorily within the twenty-one day period, the commissioner may act to enforce this chapter. A weed board may request that the agriculture commissioner investigate any complaint received by the board if the board determines that its ability to enforce this chapter is compromised because of a conflict of interest."

Page 22, line 28, after the underscored boldfaced period insert:

"1."

Page 22, line 30, after "pests" insert "on public lands within the county and to cooperate with landowners for the purpose of controlling or eradicating pests on private land within the county"

Page 23, remove lines 1 through 6

Page 23, line 13, after "efforts" insert "under this section"

Page 23, line 17, after "pests" insert "under section 29 of this Act"

Page 23, line 18, replace "land users" with "landowners"

Page 23, line 24, remove "Take enforcement action when necessary."

Page 23, line 25, remove "6."

Page 23, line 27, replace "7." with "6."



Page 23, line 28, replace "8." with "7."

Page 23, remove lines 30 and 31

Page 24, remove lines 1 through 28

Page 25, line 7, after the underscored boldfaced period insert:

"1."

Page 25, line 9, after "pests" insert "on land within the corporate boundaries of the city and to cooperate with landowners for the purpose of controlling or eradicating pests on private land within the city"

Page 25, remove lines 10 through 15

Page 25, line 22, after "efforts" insert "under this section"

Page 25, line 26, after "pests" insert "under section 32 of this Act"

Page 25, line 27, replace "land users" with "landowners"

Page 26, line 2, remove "Take enforcement action when necessary."

Page 26, line 3, remove "6."

Page 26, line 5, replace "7." with "6."

Page 26, line 6, replace "8." with "7."

Page 26, remove lines 8 through 31

Page 27, remove lines 1 through 5

Page 28, line 26, remove "a."

Page 28, line 30, remove "b. All penalties" and overstrike "collected pursuant to this section for failure or refusal to"

Page 28, line 31, overstrike "control", remove "or eradicate", and overstrike "pests"

Page 29, line 1, overstrike "must be credited to the weed control", remove "and eradication", and overstrike "fund in the political"

Page 29, line 2, overstrike "subdivision in which the penalty originated but dedicated for use"

Page 29, line 3, remove "in the", overstrike "control", remove "or eradication of", and overstrike "pests." and insert immediately thereafter:

"4."

Page 29, line 6, replace "4." with "5."

Page 29, line 8, after "the" insert "governing body of the" and remove "council"

Page 29, after line 8, insert:

**"SECTION 37. AGRICULTURE COMMISSIONER - REPORTS TO LEGISLATIVE COUNCIL.** In November 2005 and June 2006, the agriculture commissioner shall report to the legislative council all notifications and requests for assistance under section 28 of this Act. The reports must include the commissioner's response to each notification and request."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2371, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS**

(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2371 was placed on the Sixth order on the calendar.

Page 1, line 19, remove "twenty-five dollar" and after "fee" insert "equal in amount to the fee set under section 19-18-04 for the registration of a pesticide"

Page 1, replace lines 22 and 23 with:

- "4. Each exemption from registration covers a designated two-year period beginning January first of each even-numbered year and expiring December thirty-first of the following year."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2400, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (20 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2400 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2409, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2409 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2014: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2014 was placed on the Sixth order on the calendar.

Page 1, line 8, after the semicolon insert "to provide for a report to the legislative council;"

Page 3, line 5, replace "(\$173,615)" with "(\$205,071)"

Page 3, line 9, replace "7,461,422" with "7,461,422"

Page 3, after line 9, insert:

"Oil and gas division contingency 225,000"

Page 3, line 10, replace "6,198,090" with "6,391,634"

Page 3, line 11, replace "6,363,049" with "6,583,689"

Page 3, line 12, replace "(\$164,959)" with "(\$192,055)"

Page 3, line 15, replace "1,721,983" with "1,625,778"

Page 3, remove line 16

Page 3, line 19, replace "13,551,518" with "12,272,778"

Page 3, line 27, replace "657,285" with "641,435"

Page 3, line 30, replace "2,675,102" with "2,659,252"

Page 4, line 2, replace "468,942" with "446,894"

Page 4, line 5, replace "305,940" with "283,892"

Page 4, line 6, replace "(\$2,539,959)" with "(\$2,567,055)"

Page 4, line 7, replace "25,270,609" with "24,174,611"

Page 4, line 8, replace "22,730,650" with "21,607,556"

Page 4, line 17, replace "6,071,048" with "6,039,592"

Page 4, line 21, replace "27,292,412" with "27,292,412"

Page 4, after line 21, insert:

"Oil and gas division contingency

225,000"

Page 4, line 22, replace "50,516,810" with "50,710,354"

Page 4, line 23, replace "43,654,885" with "43,875,525"

Page 4, line 24, replace "6,840,444" with "6,834,829"

Page 4, line 27, replace "18,176,480" with "18,153,392"

Page 4, line 29, replace "18,722,000" with "11,272,000"

Page 4, line 31, replace "49,524,145" with "42,051,057"

Page 5, line 11, replace "17,348,241" with "17,332,391"

Page 5, line 14, replace "250,000" with "50,000"

Page 5, line 15, replace "32,857,254" with "32,641,404"

Page 5, line 18, replace "4,382,167" with "4,376,801"

Page 5, line 22, replace "33,879,025" with "33,873,659"

Page 5, line 23, replace "12,540,444" with "12,534,829"

Page 5, line 24, replace "162,286,824" with "154,816,645"

Page 5, line 25, replace "174,827,268" with "167,351,474"

Page 8, remove lines 9 through 18

Page 8, replace lines 24 through 26 with:

**"SECTION 15. UNOBLIGATED MONEYS IN PARTNERSHIP FOR COMMUNITY EXPANSION FUND - TRANSFER TO THE GENERAL FUND.** Notwithstanding section 6-09.14-02, any unobligated moneys, up to \$2,200,000, in the partnership in assisting community expansion fund as of June 30, 2005, must be returned to the general fund and considered general fund turnback.

**SECTION 16. CONTINGENT OIL AND GAS DIVISION FUNDING - EMERGENCY COMMISSION APPROVAL.** The funds appropriated in the oil and gas division contingency line item in subdivision 1 of section 3 of this Act are from the land and minerals trust fund. If funds are required due to the average drilling rig count exceeding thirty active rigs for each month in any consecutive three-month period, the oil and gas division may spend moneys from this line item upon emergency commission approval. The oil and gas division may hire up to two full-time equivalent positions with the contingency funds."

Page 17, after line 6, insert:

**"SECTION 30. STATE MILL AND ELEVATOR ASSOCIATION - REPORT TO BUDGET SECTION.** The manager of the state mill and elevator association shall present an annual report to the budget section of the legislative council. The report must include the current role and mission of the state mill and elevator association and short-term and long-term plans for acquisitions, construction, renovation, equipment upgrading, sales and marketing, personnel, and all financial matters. The report also must include a description of efforts by the state mill and elevator association to inform legislators about the role, mission, and operations of the state mill and elevator association."

Page 17, line 8, replace "15" with "14"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Industrial Commission				
Total all funds	\$50,516,810	\$50,491,844	\$218,510	\$50,710,354
Less estimated income	<u>43,654,885</u>	<u>43,651,400</u>	<u>224,125</u>	<u>43,875,525</u>
General fund	\$6,861,925	\$6,840,444	(\$5,615)	\$6,834,829
Bank of North Dakota				
Total all funds	\$51,404,797	\$57,599,145	(\$7,473,088)	\$50,126,057
Less estimated income	<u>45,704,797</u>	<u>51,899,145</u>	<u>(7,473,088)</u>	<u>44,426,057</u>
General fund	\$5,700,000	\$5,700,000	\$0	\$5,700,000
Housing Finance Agency				
Total all funds	\$33,895,707	\$33,879,025	(\$5,366)	\$33,873,659
Less estimated income	<u>33,895,707</u>	<u>33,879,025</u>	<u>(5,366)</u>	<u>33,873,659</u>
General fund	\$0	\$0	\$0	\$0
Mill and Elevator				
Total all funds	\$32,657,254	\$32,857,254	(\$215,850)	\$32,641,404
Less estimated income	<u>32,657,254</u>	<u>32,857,254</u>	<u>(215,850)</u>	<u>32,641,404</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$168,474,568	\$174,827,268	(\$7,475,794)	\$167,351,474
Less estimated income	<u>155,912,643</u>	<u>162,286,824</u>	<u>(7,470,179)</u>	<u>154,816,645</u>
General fund	\$12,561,925	\$12,540,444	(\$5,615)	\$12,534,829

## Senate Bill No. 2014 - Industrial Commission - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$6,071,048	\$6,046,082	(\$6,490)	\$6,039,592
Operating expenses	1,907,850	1,907,850		1,907,850
Capital assets	45,500	45,500		45,500
Lignite research and development	15,200,000	15,200,000		15,200,000
Grants - Bond payments	27,292,412	27,292,412		27,292,412
Oil and Gas Division contingency			<u>225,000</u>	<u>225,000</u>
Total all funds	\$50,516,810	\$50,491,844	\$218,510	\$50,710,354
Less estimated income	<u>43,654,885</u>	<u>43,651,400</u>	<u>224,125</u>	<u>43,875,525</u>
General fund	\$6,861,925	\$6,840,444	(\$5,615)	\$6,834,829
FTE	51.37	51.37	0.00	51.37

## Dept. 405 - Industrial Commission - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	ADDS CONTINGENCY FUNDING FOR OIL AND GAS DIVISION <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$6,490)		(\$6,490)
Operating expenses			
Capital assets			
Lignite research and development			
Grants - Bond payments			
Oil and Gas Division contingency		<u>\$225,000</u>	<u>225,000</u>
Total all funds	(\$6,490)	\$225,000	\$218,510
Less estimated income	<u>(875)</u>	<u>225,000</u>	<u>224,125</u>
General fund	(\$5,615)	\$0	(\$5,615)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment adds contingency funding of \$225,000 from the lands and minerals trust fund for the Oil and Gas Division to hire up to 2 full-time equivalent positions (1 field inspector and 1 plugging and reclamation supervisor) if the average drilling rig count exceeds 30 active rigs for each month in any consecutive three-month period, upon Emergency Commission approval.

## Senate Bill No. 2014 - Bank of North Dakota - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$18,249,597	\$18,176,480	(\$23,088)	\$18,153,392
Operating expenses	12,108,200	10,925,665		10,925,665
Capital assets	11,272,000	18,722,000	(7,450,000)	11,272,000
Contingencies	1,700,000	1,700,000		1,700,000
PACE fund	5,700,000	5,700,000		5,700,000
Agriculture PACE fund	1,425,000	1,425,000		1,425,000
Beginning farmer revolving loan fund	<u>950,000</u>	<u>950,000</u>		<u>950,000</u>
Total all funds	\$51,404,797	\$57,599,145	(\$7,473,088)	\$50,126,057
Less estimated income	<u>45,704,797</u>	<u>51,899,145</u>	<u>(7,473,088)</u>	<u>44,426,057</u>
General fund	\$5,700,000	\$5,700,000	\$0	\$5,700,000

FTE	178.50	178.50	0.00	178.50
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**Dept. 471 - Bank of North Dakota - Detail of House Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	REMOVES ADDITIONAL FUNDING FOR NEW BANK BUILDING ADDED BY SENATE <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$23,088)		(\$23,088)
Operating expenses			
Capital assets		(\$7,450,000)	(7,450,000)
Contingencies			
PACE fund			
Agriculture PACE fund			
Beginning farmer revolving loan fund			
Total all funds	(\$23,088)	(\$7,450,000)	(\$7,473,088)
Less estimated income	<u>(23,088)</u>	<u>(7,450,000)</u>	<u>(7,473,088)</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment removes the additional \$7,450,000 of spending authority added by the Senate to increase the size of the new Bank of North Dakota building, resulting in a total of \$11 million available for the new Bank building.

This amendment also removes Section 14 of the engrossed bill added by the Senate providing legislative intent for the Bank of North Dakota to lease space in its new building to other state agencies and adds a section to provide for the Bank of North Dakota to turn back unobligated general fund moneys of up to \$2.2 million in the partnership in assisting community expansion fund to the general fund as of June 30, 2005.

**Senate Bill No. 2014 - Housing Finance Agency - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$4,398,849	\$4,382,167	(\$5,366)	\$4,376,801
Operating expenses	2,805,578	2,805,578		2,805,578
Grants	26,591,280	26,591,280		26,591,280
HFA contingencies	<u>100,000</u>	<u>100,000</u>		<u>100,000</u>
Total all funds	\$33,895,707	\$33,879,025	(\$5,366)	\$33,873,659
Less estimated income	<u>33,895,707</u>	<u>33,879,025</u>	<u>(5,366)</u>	<u>33,873,659</u>
General fund	\$0	\$0	\$0	\$0
FTE	43.00	43.00	0.00	43.00

**Dept. 473 - Housing Finance Agency - Detail of House Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	TOTAL HOUSE CHANGES
Salaries and wages	(\$5,366)	(\$5,366)
Operating expenses		
Grants		
HFA contingencies		
Total all funds	(\$5,366)	(\$5,366)
Less estimated income	<u>(5,366)</u>	<u>(5,366)</u>
General fund	\$0	\$0
FTE	0.00	0.00

**Senate Bill No. 2014 - Mill and Elevator - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$17,348,241	\$17,348,241	(\$15,850)	\$17,332,391
Operating expenses	14,959,013	14,959,013		14,959,013
Contingencies	300,000	300,000		300,000
Agriculture promotion	<u>50,000</u>	<u>250,000</u>	<u>(200,000)</u>	<u>50,000</u>
Total all funds	\$32,657,254	\$32,857,254	(\$215,850)	\$32,641,404
Less estimated income	<u>32,657,254</u>	<u>32,857,254</u>	<u>(215,850)</u>	<u>32,641,404</u>
General fund	\$0	\$0	\$0	\$0

FTE	127.00	127.00	0.00	127.00
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**Dept. 475 - Mill and Elevator - Detail of House Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	REDUCES FUNDING FOR AGRICULTURE PROMOTION <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	(\$15,850)		(\$15,850)
Operating expenses			
Contingencies			
Agriculture promotion	_____	(\$200,000)	(200,000)
Total all funds	(\$15,850)	(\$200,000)	(\$215,850)
Less estimated income	(15,850)	(200,000)	(215,850)
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment removes the \$200,000 addition made by the Senate to the agriculture promotion line item, resulting in a total of \$50,000 for agriculture promotion.

This amendment also removes Section 16 of the engrossed bill added by the Senate for the transfer of \$250,000 from the Mill and Elevator's agriculture promotion line to the Trade Promotion Authority and adds a section to require the state Mill and Elevator Association to present an annual report to the Budget Section.

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

**Bradley C. Fay, Chief Clerk**