

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

* * * * *

Bismarck, April 11, 2005

The House convened at 9:00 a.m., with Speaker Klein presiding.

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

The roll was called and all members were present except Representatives Bernstein, Dosch, Sandvig, and Thorpe.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 8, 2005, I have signed the following: HB 1005, HB 1007, HB 1014, HB 1022, HB 1024, HB 1062, HB 1069, HB 1094, HB 1104, HB 1105, and HB 1121.

MOTION

REP. MONSON MOVED that all the DO NOT CONCURS on the Twelfth Order be adopted, HB 1524, SB 2012, SB 2050, SB 2270, SB 2359, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PRICE MOVED that the House do not concur in the Senate amendments to HB 1524 as printed on HJ page 1655 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1524: Reps. Devlin, Price, Sandvig.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2012: Reps. Timm, Weisz, Williams.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2050: Reps. Drovdal, Weiler, Conrad.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2270: Reps. Belter, Headland, S. Kelsh.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2359: Reps. Drovdal, Weiler, Conrad.

REPORT OF CONFERENCE COMMITTEE

SB 2200, as engrossed: Your conference committee (Sens. Trenbeath, Hacker, Nelson and Reps. R. Kelsch, Owens, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 973-974, adopt amendments as follows, and place SB 2200 on the Seventh order:

That the House recede from its amendments as printed on pages 973 and 974 of the Senate Journal and pages 1220 and 1221 of the House Journal and that Engrossed Senate Bill No. 2200 be amended as follows:

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 10, replace "that fact" with "by model year 2007 the presence, capacity, and capabilities of the 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 ":

- 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 recorded, 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. By stipulation of the parties to the proceeding or by order of the court.
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, replace lines 16 and 17 with:

- "6. An insurer may not require as a condition of insurability consent of the owner for access to data that may be stored within an event data recorder and may not use data retrieved with the owners consent before or after an accident for the purpose of rate assessment."

Renumber accordingly

Engrossed SB 2200 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. R. KELSCH MOVED that the conference committee report on SB 2200 be adopted, which motion prevailed on a voice vote.

SB 2200, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2200: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to recording devices on motor vehicles; and to provide for application.

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 87 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Kasper; Kingsbury; Vigesaa

ABSENT AND NOT VOTING: Bernstein; Dosch; Sandvig; Thorpe

Engrossed SB 2200 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

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

REPORT OF CONFERENCE COMMITTEE

HB 1346, as engrossed: Your conference committee (Sens. Trenbeath, Hacker, Triplett and Reps. Klemin, DeKrey, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 941, adopt amendments as follows, and place HB 1346 on the Seventh order:

That the Senate recede from its amendments as printed on page 941 of the House Journal and pages 711 and 712 of the Senate Journal and that Engrossed House Bill No. 1346 be amended as follows:

Page 1, line 2, remove "and" and after "penalty" insert "; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 8, overstrike "nonliquid"

Page 1, line 18, after "3." insert "a." and after "shall" insert "require, obtain, and make a written record of the identification of the person purchasing the methamphetamine precursor drug, the identification being a document issued by a government agency as described in subdivisions a and b of subsection 5, and shall"

Page 1, line 20, replace "a." with "(1)"

Page 1, line 23, replace "b." with "(2)"

Page 1, line 24, after the underscored semicolon insert "or"

Page 2, remove lines 1 and 2

Page 2, line 3, replace "d." with "(3)"

Page 2, line 4, replace "; or" with: "."

- b. The person shall maintain the record of identification required by this subsection for three years, after which the record must be destroyed. The person may not use or maintain the record for any private or commercial purpose or disclose the record to any person, except as required by law. The person shall disclose the record, upon request, to a law enforcement agency for a law enforcement purpose."

Page 2, remove lines 5 through 8

Page 3, after line 22, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on June 1, 2005.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2007, and after that date is ineffective.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

Engrossed HB 1346 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KLEMIN MOVED that the conference committee report on Engrossed HB 1346 as printed on HJ page 941 be adopted, which motion prevailed on a verification vote.

Engrossed HB 1346, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1346: A BILL for an Act to amend and reenact section 19-03.4-08 of the North Dakota Century Code, relating to retail sale of a methamphetamine precursor drug; to provide a penalty; to provide an effective date; to provide an expiration date; 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 72 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Boe; Boehning; Boucher; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gulleon; Haas; Hanson; Hawken; Herbel; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Uglem; Vigasaa; Wall; Weiler; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Bellew; Belter; Bernstein; Brandenburg; Carlson; Delzer; Devlin; Dietrich; Drovda; Grande; Headland; Kasper; Kempenich; Pollert; Ruby; Skarphol; Timm; Wald; Weisz; Wrangham

ABSENT AND NOT VOTING: Dosch; Martinson

Engrossed HB 1346 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

HB 1437, as engrossed: Your conference committee (Sens. Espgaard, Mutch, Heitkamp and Reps. Nottestad, Kasper, Amerman) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1345 and place HB 1437 on the Seventh order.

Engrossed HB 1437 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. NOTTESTAD MOVED that the conference committee report on Engrossed HB 1437 as printed on HJ page 1345 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1437, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1437: A BILL for an Act to create and enact a new section to chapter 43-07 of the North Dakota Century Code, relating to notice and time for contractors to repair defects in residential buildings.

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

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; Delmore; Devlin; Dietrich; Drovdal; Froelich; Froseth; Galvin; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Koppelman; Kreidt; Kroeber; Maragos; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Speaker Klein

NAYS: Bellew; Conrad; DeKrey; Delzer; Ekstrom; Glassheim; Klemin; Kretschmar; Owens; Potter; Thorpe; Weisz; Wrangham; Zaiser

ABSENT AND NOT VOTING: Dosch; Martinson

Engrossed HB 1437 passed and the title was agreed to.

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.

REPORT OF CONFERENCE COMMITTEE

SB 2111: Your conference committee (Sens. Espgaard, Nething, Heitkamp and Reps. Dosch, Nottestad, Amerman) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 928 and place SB 2111 on the Seventh order.

SB 2111 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DOSCH MOVED that the conference committee report on SB 2111 be adopted, which motion prevailed on a voice vote.

SB 2111, as amended, was placed on the Fourteenth order.

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 89 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Devlin; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos;

Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

NAYS: Delzer; Dietrich

ABSENT AND NOT VOTING: DeKrey; Froelich; Zaiser

SB 2111 passed and the title was agreed to.

MOTION

REP. NOTTESTAD MOVED that the House reconsider its action whereby HB 1230 failed to pass, which motion lost on a verification vote.

REPORT OF CONFERENCE COMMITTEE

HB 1231, as engrossed: Your conference committee (Sens. Dever, J. Lee, Warner and Reps. Brusegaard, Weisz, Sandvig) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1320-1321, adopt amendments as follows, and place HB 1231 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1320 and 1321 of the House Journal and pages 976 and 977 of the Senate Journal and that Engrossed House Bill No. 1231 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section 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:

Provision of services - Collaboration - Competition. 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. The school for the deaf may not compete with any public or private entity offering the same services within a region."

Renumber accordingly

Engrossed HB 1231 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BRUSEGAARD MOVED that the conference committee report on Engrossed HB 1231 as printed on HJ pages 1320-1321 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1231, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1231: A BILL for an Act to 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 amend and reenact sections 25-07-01, 25-07-04, 25-07-05, 25-07-06, 25-07-08, and 25-07-11 of the North Dakota Century Code, relating to the school for the deaf.

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.;

Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: DeKrey; Froelich; Norland; Zaiser

Engrossed HB 1231 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1209: Your conference committee (Sens. Cook, Wardner, Every and Reps. Belter, Headland, Froelich) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1262-1263, adopt amendments as follows, and place HB 1209 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1262 and 1263 of the House Journal and pages 950-952 of the Senate Journal and that House Bill No. 1209 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of the property tax system."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY - PROPERTY TAX SYSTEM.

The legislative council shall consider studying, during the 2005-06 interim, the property tax system of the state. The study must include all of the following:

1. Analysis of the property tax administration system from the assessment level through the state board of equalization.
2. Examination of the checks in the property tax administration system for reconsideration and correction of errors.
3. Analysis of the appropriate level of government for making property assessments.
4. Methods to assure uniformity and equity among assessment and taxing districts in spreading property tax burdens as provided by law.
5. Examination of existing processes to challenge property tax assessment and levy decisions, including analysis of the accessibility of the system for a citizen to mount a challenge.
6. Analysis of how budgets are determined by political subdivisions and whether levy limitations have an unintended influence on budget decisions.
7. Analysis of property tax allocation and assessments among the classifications of property and the shifting of property tax burdens among property types that occurs because of assessment changes.
8. Analysis of the use of variables to valuation standards by local assessment officials.
9. Analysis of the frequency of reassessment and problems that arise if assessments are not kept current.
10. Analysis of whether there are aspects of existing law that provide incentives or opportunities for distortion of assessments for property tax or other purposes.

The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

HB 1209 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BELTER MOVED that the conference committee report on HB 1209 as printed on HJ pages 1262-1263 be adopted, which motion prevailed on a voice vote.

HB 1209, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1209: A BILL for an Act to amend and reenact section 57-01-05 of the North Dakota Century Code, relating to an annual audit of property tax assessments and property tax exemption decisions; and to provide an 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 11 YEAS, 80 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Belter; Hawken; Headland; Iverson; Johnson, N.; Keiser; Klemin; Sitte; Timm; Wall; Williams

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

ABSENT AND NOT VOTING: DeKrey; Froelich; Zaiser

HB 1209 lost.

REPORT OF CONFERENCE COMMITTEE

SB 2187: Your conference committee (Sens. Krebsbach, Nething, Fairfield and Reps. N. Johnson, Ruby, Thorpe) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 785, adopt further amendments as follows, and place SB 2187 on the Seventh order:

That the Senate accede to the House Amendments as printed on page 785 of the Senate Journal and page 943 of the House Journal and that Senate Bill No. 2187 be further amended as follows:

Page 2, line 23, after "bond" insert "or proof of insurance satisfactory to the commissioner"

Renumber accordingly

SB 2187 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. N. JOHNSON MOVED that the conference committee report on SB 2187 as printed on HJ page 943 be adopted, which motion prevailed on a voice vote.

SB 2187, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2187: A BILL for an Act to create and enact section 26.1-27-03.1 of the North Dakota Century Code, relating to bond requirements for third-party administrators; to amend and reenact section 26.1-27-03 of the North Dakota Century Code, relating to fees for acting as a third-party administrator and the penalties for acting without a third-party administrator license; to repeal section 26.1-27-04 of the North Dakota Century Code, relating to the waiver of third-party registration requirements; 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 88 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; 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; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Speaker Klein

NAYS: Delzer; Skarphol; Weiler

ABSENT AND NOT VOTING: DeKrey; Froelich; Zaiser

SB 2187 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2047, as engrossed: Your conference committee (Sens. Trenbeath, Nething, Bercier and Reps. Ruby, Weiler, S. Meyer) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 948 and place SB 2047 on the Seventh order.

Engrossed SB 2047 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. RUBY MOVED that the conference committee report on Engrossed SB 2047 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SB 2302, as engrossed: Your conference committee (Sens. Syverson, Hacker, Triplett and Reps. Maragos, Bernstein, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1089, adopt amendments as follows, and place SB 2302 on the Seventh order:

That the House recede from its amendments as printed on page 1089 of the Senate Journal and pages 1241 and 1242 of the House Journal and that Engrossed Senate Bill No. 2302 be amended as follows:

Page 1, line 13, replace "two" with "three"

Page 1, line 14, replace "whole number" with "one-half"

Renumber accordingly

Engrossed SB 2302 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. MARAGOS MOVED that the conference committee report on Engrossed SB 2302 as printed on HJ pages 1241-1242 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2302, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2302: A BILL for an Act to amend and reenact section 28-20-34 of the North Dakota Century Code, relating to postjudgment interest.

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 68 YEAS, 23 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Drovda; Ekstrom; Froseth;

Galvin; Glassheim; Grande; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Thorpe; Uglem; Vigesaa; Wall; Weiler; Weisz; Williams; Speaker Klein

NAYS: Amerman; Bellew; Bernstein; Delzer; Devlin; Dietrich; Dosch; Gulleeson; Haas; Kasper; Keiser; Kelsch, R.; Klemin; Meier, L.; Nelson; Porter; Potter; Svedjan; Thoreson; Timm; Wald; Wieland; Wrangham

ABSENT AND NOT VOTING: DeKrey; Froelich; Zaiser

Engrossed SB 2302 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2174, as engrossed: Your conference committee (Sens. Krebsbach, Mutch, Heitkamp and Reps. Dosch, Dietrich, Thorpe) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 771 and place SB 2174 on the Seventh order.

Engrossed SB 2174 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DOSCH MOVED that the conference committee report on Engrossed SB 2174 be adopted, which motion prevailed on a voice vote.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1231.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2047, SB 2174.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2111, SB 2302.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1346.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1437.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2200.

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

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

SB 2012: Reps. Timm; Weisz; Williams

SB 2050: Reps. Drovda; Weiler; Conrad

SB 2270: Reps. Belter; Headland; S. Kelsh

SB 2359: Reps. Drovda; Weiler; Conrad

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 1524 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1524: Reps. Devlin; Price; Sandvig

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1417, HB 1434, HB 1453.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1001, HB 1092, HB 1148, HB 1248, HB 1258, HB 1284, HB 1286, HB 1347, HB 1402, HB 1421, HB 1465, HB 1526.

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

MR. PRESIDENT: The Speaker has signed: HB 1153, HB 1239, HB 1266, HB 1272, HB 1273, HB 1276, HB 1311, HB 1312, HB 1321, HB 1325, HB 1326, HB 1333, HB 1337, HB 1344, HB 1527.

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

MR. PRESIDENT: The Speaker has signed: HB 1153, HB 1239, HB 1266, HB 1272, HB 1273, HB 1276, HB 1311, HB 1312, HB 1321, HB 1325, HB 1326, HB 1333, HB 1337, HB 1344, HB 1445, HB 1527.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1289, HB 1313.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1011, HB 1017, HB 1290.

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

MR. PRESIDENT: The Speaker has signed: HCR 3055.

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

MR. PRESIDENT: The Speaker has signed: HCR 3002, HCR 3005, HCR 3017, HCR 3031.

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

MR. PRESIDENT: The Speaker has signed: SB 2008, SB 2009, SB 2013, SB 2026, SB 2078, SB 2096, SB 2129, SB 2133, SB 2146, SB 2149, SB 2179, SB 2205, SB 2237, SB 2256, SB 2294, SB 2303, SB 2324, SB 2341, SB 2342, SB 2383, SB 2384, SCR 4021, SCR 4040.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on April 11, 2005: HCR 3002, HCR 3005, HCR 3017, HCR 3031, HCR 3055.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 11, 2005: HB 1153, HB 1239, HB 1266, HB 1272, HB 1273, HB 1276, HB 1311, HB 1312, HB 1321, HB 1325, HB 1326, HB 1333, HB 1337, HB 1344, HB 1445, HB 1527.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 11, 2005: HB 1289, HB 1313.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1203.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1203

Page 1, line 3, after the semicolon insert "to provide for a legislative council study;"

Page 2, line 2, replace "The" with "To be considered a business incentive, the total assistance in all forms must be valued at twenty-five thousand dollars or more. Unless specifically provided otherwise, the"

Page 2, remove lines 3 and 4

Page 2, line 5, replace "b." with "a."

Page 2, line 6, remove "location,"

Page 2, line 7, remove "general"

Page 2, line 8, replace "c." with "b."

Page 2, line 13, replace "d." with "c."

Page 2, line 17, replace "e." with "d."

Page 2, line 21, replace "f." with "e."

Page 2, line 23, replace "g." with "f."

Page 2, line 24, replace "h." with "g."

Page 2, line 25, replace "i." with "h."

Page 2, line 26, replace "j." with "i."

Page 2, line 27, replace "k." with "j."

Page 2, line 28, replace "l." with "k."

Page 2, line 29, replace "m." with "l." and replace "Assistance" with "Except for a center of excellence award under section 15-10-41, assistance"

Page 3, line 1, replace "n." with "m."

Page 3, line 4, replace "o." with "n."

Page 3, line 6, replace "p." with "o."

Page 3, line 9, replace "q." with "p."

Page 9, after line 16, insert:

"SECTION 11. LEGISLATIVE COUNCIL STUDY - ECONOMIC DEVELOPMENT BY SCHOOL DISTRICT TAX ABATEMENTS. The legislative council shall consider studying, during the 2005-06 interim, the current system under which property taxes levied by school districts are abated for the purpose of furthering economic development and whether this practice of abating property taxes levied by school districts should continue to be a part of economic development efforts in this state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly.

SECTION 12. LEGISLATIVE COUNCIL STUDY - LOCAL ECONOMIC DEVELOPERS SYSTEM. The legislative council shall consider studying, during the 2005-06 interim, the system of local economic developers to determine whether the existing system provides the most effective and efficient system; whether the system could be improved by providing for increased uniformity in the provision of local economic development services or uniform applications, project investment standards, and economic development authority governance; and whether there are undesirable gaps or duplications in local economic development services, particularly in rural communities. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Page 9, line 17, replace "This" with "Sections 1 through 10 of this" and replace "becomes" with "become"

Renumber accordingly

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2047, SB 2174, SB 2187, SB 2302.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1417, HB 1434, HB 1453.

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

MR. SPEAKER: The President has signed: HB 1314.

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

MR. SPEAKER: The President has signed: HB 1284.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2008, SB 2009, SB 2013, SB 2026, SB 2078, SB 2096, SB 2129, SB 2133, SB 2146, SB 2149, SB 2179, SB 2205,

SB 2237, SB 2256, SB 2294, SB 2303, SB 2324, SB 2341, SB 2342, SB 2383, SB 2384, SCR 4021, SCR 4040.

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 8:00 a.m., Tuesday, April 12, 2005, which motion prevailed.

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

Bradley C. Fay, Chief Clerk

