

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

* * * * *

Bismarck, February 2, 2005

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

The prayer was offered by Pastor Bob Weiss, Bismarck Baptist Church.

The roll was called and all members were present except Representatives Ekstrom, S. Kelsh, and Rennerfeldt.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

REP. MONSON MOVED that the amendments on the Sixth order of business to HB 1213, HB 1364, HB 1373 and HB 1497 be adopted, which motion prevailed.

HB 1213, HB 1364, HB 1373 and HB 1497, as amended, were placed on the Eleventh order of business on the calendar.

MOTION

REP. R. KELSCH MOVED that HB 1032, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. R. Kelsch's motion, HB 1032 was rereferred.

SECOND READING OF HOUSE BILL

HB 1206: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to provider appeals of medical assistance reimbursement denials.

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 91 YEAS, 0 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; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horte; Hunsaker; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; 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; 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: Ekstrom; Kelsh, S.; Rennerfeldt

Engrossed HB 1206 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1281: A BILL for an Act to create and enact two new sections to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance eligibility and long-term care facilities.

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;

DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; 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; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Delzer; Froelich; Kempenich

ABSENT AND NOT VOTING: Ekstrom; Kelsh, S.; Rennerfeldt

Engrossed HB 1281 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1245: A BILL for an Act to amend and reenact sections 39-12-01 and 39-12-03 and subsection 2 of section 39-12-05.3 of the North Dakota Century Code, relating to weight limitations.

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, 31 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Froelich; Glassheim; Grande; Gulleson; Haas; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, N.; Kaldor; Kasper; Keiser; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Maragos; Martinson; Monson; Nelson; Nicholas; Owens; Pietsch; Pollert; Price; Ruby; Sandvig; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Speaker Klein

NAYS: Aarsvold; Boe; Boucher; Brandenburg; Brusegaard; Delzer; Dosch; Drovdal; Froseth; Galvin; Hanson; Johnson, D.; Kelsch, R.; Kempenich; Kreidt; Kroeber; Meier, L.; Metcalf; Meyer, S.; Mueller; Norland; Nottestad; Onstad; Porter; Potter; Schmidt; Solberg; Thorpe; Williams; Wrangham; Zaiser

ABSENT AND NOT VOTING: Ekstrom; Kelsh, S.; Rennerfeldt

Engrossed HB 1245 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1258: A BILL for an Act to create and enact two new sections to chapter 43-20 of the North Dakota Century Code, relating to a scope of practice and continuing education requirements for dental assistants; and to amend and reenact subsection 2 of section 43-20-05, sections 43-20-06, 43-20-12, and 43-20-12.1, subsection 3 of section 43-28-01, subsection 2 of section 43-28-02, subsection 3 of section 43-28-06, subsection 2 of section 43-28-10, sections 43-28-12.2, 43-28-17, and 43-28-18, subsection 2 of section 43-28-22, and subsection 9 of section 43-28-25 of the North Dakota Century Code, relating to the regulation of dentists, dental hygienists, and dental assistants.

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 91 YEAS, 0 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; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; 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; 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: Ekstrom; Kelsh, S.; Rennerfeldt

Engrossed HB 1258 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1327: A BILL for an Act to create and enact a new subsection to section 39-29-09 of the North Dakota Century Code, relating to the operation of all-terrain vehicles; 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 91 YEAS, 0 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; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; 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; 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: Ekstrom; Kelsh, S.; Rennerfeldt

Engrossed HB 1327 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1412: A BILL for an Act to amend and reenact subsection 1 of section 39-29-01 and subsection 10 of section 39-29-09 of the North Dakota Century Code, relating to passengers on all-terrain vehicles; 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 91 YEAS, 0 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; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; 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; 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: Ekstrom; Kelsh, S.; Rennerfeldt

Engrossed HB 1412 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1350: A BILL for an Act to amend and reenact section 23-13-15 of the North Dakota Century Code, relating to rentals to deaf persons.

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 57 YEAS, 33 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bernstein; Boe; Boucher; Brandenburg; Brusegaard; Charging; Conrad; Damschen; Delmore; Devlin; Drovdal; Froelich; Froseth; Glassheim; Grande; Guleson; Hanson; Hawken; Herbel; Hunsakor; Iverson; Johnson, D.; Kaldor; Kelsch, R.; Kerzman; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Pietsch; Potter; Price; Sandvig; Schmidt; Solberg; Svedjan; Thoreson; Thorpe; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser

NAYS: Bellew; Belter; Berg; Boehning; Carlisle; Carlson; Clark; DeKrey; Delzer; Dietrich; Dosch; Galvin; Haas; Headland; Horter; Johnson, N.; Kasper; Keiser; Kempenich; Klemm; Meier, L.; Owens; Pollert; Porter; Ruby; Sitte; Skarphol; Timm; Uglem; Wald; Weiler; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Ekstrom; Kelsh, S.; Kingsbury; Rennerfeldt

Engrossed HB 1350 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1357: A BILL for an Act to amend and reenact subsection 4 of section 39-12-02 of the North Dakota Century Code, relating to longer combination vehicle permits.

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, 7 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; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Price; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Delzer; Keiser; Meyer, S.; Potter; Skarphol; Thorpe; Wrangham

ABSENT AND NOT VOTING: Ekstrom; Kelsh, S.; Maragos; Rennerfeldt

Engrossed HB 1357 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1108: A BILL for an Act to create and enact two new subdivisions to subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to adjustments to federal taxable income for corporate income tax purposes; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 9 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunsakor; Iverson; Johnson, D.;

Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Potter; Price; Sandvig; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Amerman; Bellew; Delzer; Drovdal; Kempenich; Porter; Ruby; Schmidt; Solberg

ABSENT AND NOT VOTING: Ekstrom; Kelsh, S.; Maragos; Rennerfeldt

HB 1108 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1353: A BILL for an Act to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to the labeling of organic seed.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 88 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Haas

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

ABSENT AND NOT VOTING: Ekstrom; Kelsh, S.; Maragos; Rennerfeldt; Svedjan

HB 1353 lost.

SECOND READING OF HOUSE BILL

HB 1355: A BILL for an Act to amend and reenact sections 37-15-07, 37-15-08, 37-15-14.1, 37-15-16, 37-15-17, 37-15-18, 37-15-19, 37-15-21, and 37-18.1-04 of the North Dakota Century Code, relating to the title of the administrator of the veterans' home.

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 87 YEAS, 3 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; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: DeKrey; Delzer; Skarphol

ABSENT AND NOT VOTING: Ekstrom; Kelsh, S.; Maragos; Rennerfeldt

HB 1355 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1429: A BILL for an Act to amend and reenact sections 15.1-09-08, 16.1-09-02, and 40-21-07 of the North Dakota Century Code, relating to the filing of statement of interests by candidates.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 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; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; 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: Ekstrom; Kelsh, S.; Maragos; Rennerfeldt

HB 1429 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1431: A BILL for an Act to amend and reenact sections 16.1-04-03 and 16.1-05-01 and subdivision a of subsection 1 of section 16.1-05-02 of the North Dakota Century Code, relating to precincts, polling places, and election officers.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

HB 1431 passed and the title was agreed to.

MOTION

REP. DEVLIN MOVED that HB 1435 be returned to the House floor from the **Political Subdivisions Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. DEVLIN REQUESTED the unanimous consent of the House to withdraw HB 1435. There being no objection, it was so ordered by the Speaker.

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 1129, HB 1176, HB 1209, HB 1288, HB 1376, HB 1430, HB 1434, HB 1442, HB 1452, HB 1491, HB 1504.

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 1274.

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

MR. SPEAKER: The Senate wishes to inform the House that the Senate has voted to suspend Joint Rule 702, and that the Senate will be in recess on Monday and Tuesday, February 21 and 22, 2005.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2326.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2024, SB 2101, SB 2113, SB 2161, SB 2185, SB 2202, SB 2218, SB 2262, SB 2263, SB 2275, SB 2294, SB 2354, SCR 4003, SCR 4005.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Friday, February 4, 2005, which motion prevailed.

FIRST READING OF SENATE BILLS

SB 2029: A BILL for an Act to create and enact a new section to chapter 30.1-28 of the North Dakota Century Code, relating to the appointment of a successor guardian.
Was read the first time and referred to the **Judiciary Committee**.

SB 2030: A BILL for an Act to amend and reenact subsection 4 of section 30.1-27-09, subsection 8 of section 30.1-28-12, and sections 30.1-28-12.1 and 30.1-29-19 of the North Dakota Century Code, relating to the filing of annual reports by guardians and conservators.
Was read the first time and referred to the **Judiciary Committee**.

SB 2034: A BILL for an Act to amend and reenact section 15-10-12 of the North Dakota Century Code, relating to the appropriation of higher education institutions' special revenue funds; and to declare an emergency.
Was read the first time and referred to the **Education Committee**.

SB 2035: A BILL for an Act to amend and reenact sections 54-44.1-04 and 54-44.1-06 of the North Dakota Century Code, relating to budget requests and block grant appropriations for the North Dakota university system; and to declare an emergency.
Was read the first time and referred to the **Education Committee**.

SB 2043: A BILL for an Act to amend and reenact sections 4-18.1-04, 4-23-07, 15-19-06, 20.1-02-02, 25-01.1-20, 26.1-21-01, 26.1-21-02, 26.1-21-03, 26.1-21-04, 26.1-21-06, 26.1-21-07, 26.1-21-08, 26.1-21-09, 26.1-21-10, 26.1-21-11, 26.1-21-12, 26.1-21-14, 26.1-21-15, 26.1-21-16, 26.1-21-17, 26.1-21-18, 26.1-21-19, and 26.1-21-23, subsection 3 of section 27-05.2-02, and section 54-09-02 of the North Dakota Century Code, relating to the state bonding fund; and to repeal section 4-27-10 of the North Dakota Century Code, relating to bonding of the dairy promotion commission.
Was read the first time and referred to the **Agriculture Committee**.

SB 2044: A BILL for an Act to amend and reenact sections 4-09-01, 4-09-02, 4-09-03, 4-09-04, 4-09-05, 4-09-06, 4-09-06.1, 4-09-07, 4-09-08, 4-09-10, 4-09-11, 4-09-11.1, 4-09-11.2, 4-09-12, 4-09-13, 4-09-14, 4-09-14.1, 4-09-14.4, 4-09-15, 4-09-16, 4-09-17.1, 4-09-18, 4-09-20.1, 4-09-20.2, 4-09.1-02, 4-09.1-04, 4-25-01, 4-25-02, 4-25-03, and 4-25-04 of the North Dakota Century Code, relating to the state seed department, seed labeling, and certified seed; and to repeal sections 4-09-03.1, 4-09-10.1, and 4-09-14.3 of the North Dakota Century Code, relating to the state seed arbitration board and labeling requirements for seed labeling permit fees.
Was read the first time and referred to the **Agriculture Committee**.

SB 2045: A BILL for an Act to amend and reenact section 57-38-31.1 of the North Dakota Century Code, relating to filing of composite income tax returns by passthrough entities; and to provide an effective date.
Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2046: A BILL for an Act to amend and reenact sections 57-38.4-01 and 57-38.4-02 of the North Dakota Century Code, relating to inclusion of corporations in a unitary relationship and incorporated in a tax haven as part of a water's edge corporate income tax filing election; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2070: A BILL for an Act to amend and reenact subsection 3 of section 54-57-01 of the North Dakota Century Code, relating to employment of administrative law judges who are not attorneys.

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

SB 2073: A BILL for an Act to amend and reenact subsection 6 of section 43-48-03 of the North Dakota Century Code, relating to clinical laboratory personnel licensure.

Was read the first time and referred to the **Human Services Committee**.

SB 2076: A BILL for an Act to amend and reenact subsection 2 of section 15-10-19.1 of the North Dakota Century Code, relating to the definition of resident student for tuition purposes.

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

SB 2077: A BILL for an Act to amend and reenact subsection 2 of section 15-62.2-02 of the North Dakota Century Code, relating to the maximum amount for student financial assistance program grants; and to provide for a study of state education grants.

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

SB 2078: A BILL for an Act to amend and reenact sections 15-10-37 and 15-10-38 of the North Dakota Century Code, relating to eligibility for loans under the technology occupations student loan program and eligibility for loan forgiveness under the teacher shortages loan forgiveness program.

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

SB 2079: A BILL for an Act to amend and reenact sections 15-10-18.3 and 15-10-18.5 of the North Dakota Century Code, relating to free higher education tuition and fees for dependents of veterans and survivors of firefighters, emergency medical technicians, and peace officers.

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

SB 2080: A BILL for an Act to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to allocation of the highway tax distribution fund.

Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2081: A BILL for an Act to amend and reenact subsection 2 of section 57-02-08.1 and subsection 3 of section 57-37.1-08 of the North Dakota Century Code, relating to the procedures for the refund of certain taxes.

Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2083: A BILL for an Act to amend and reenact sections 15.1-02-09 and 15.1-02-10 of the North Dakota Century Code, relating to the contents and distribution of the school district finance facts report.

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

SB 2084: A BILL for an Act to repeal section 15.1-27-33 of the North Dakota Century Code, relating to nonoperating school districts.

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

SB 2096: A BILL for an Act to amend and reenact section 26.1-40-18 of the North Dakota Century Code, relating to automobile warranty contracts and requirements relating to contractual liability insurance for warranty providers.

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

SB 2102: A BILL for an Act to amend and reenact subsection 3 of section 39-08-01 of the North Dakota Century Code, relating to driving under the influence of intoxicating liquor repeat offenders and impounding motor vehicle license plates.

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

SB 2103: A BILL for an Act to amend and reenact subsection 1 of section 57-38.3-02 and sections 57-38.3-05 and 57-38.3-06 of the North Dakota Century Code, relating to definitions and procedures for purposes of income tax setoffs.

Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2104: A BILL for an Act to amend and reenact section 27-09.1-05.1 of the North Dakota Century Code, relating to the selection of jurors.

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

SB 2105: A BILL for an Act to repeal section 27-02-05.2 of the North Dakota Century Code, relating to the state juvenile services coordinator.

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

SB 2109: A BILL for an Act to amend and reenact section 15.1-28-01 of the North Dakota Century Code, relating to deposits paid into the state tuition fund.

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

SB 2114: A BILL for an Act to amend and reenact subsection 9 of section 4-30-01 and sections 4-30-02, 4-30-18, 4-30-20, 4-30-36, 4-30-36.2, 4-30-36.3, and 4-30-36.4 of the North Dakota Century Code, relating to dairy regulations, reinspection fees, and references to current food and drug administration regulations.

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

SB 2118: A BILL for an Act to amend and reenact section 50-06-15 of the North Dakota Century Code, relating to confidentiality of information contained in department of human services records; and to provide a penalty.

Was read the first time and referred to the **Human Services Committee**.

SB 2120: A BILL for an Act to create and enact section 15-20.4-03.1 of the North Dakota Century Code, relating to fees provided to the state board for career and technical education for authorizations to operate private postsecondary institutions; and to amend and reenact sections 15-20.4-04 and 15-20.4-06 and subsection 2 of section 15-20.4-15 of the North Dakota Century Code, relating to authorizations to operate private postsecondary institutions and use of false academic degrees; and to provide a continuing appropriation.

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

SB 2123: A BILL for an Act to amend and reenact subsection 1 of section 57-40.3-04 of the North Dakota Century Code, relating to the exemption from motor vehicle excise taxes on the acquisition or lease of a motor vehicle by a disabled veteran.

Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2125: A BILL for an Act to create and enact a new section to chapter 12-59 of the North Dakota Century Code, relating to establishment and modification of parole expiration dates.

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

SB 2131: A BILL for an Act to amend and reenact subsections 7 and 8 of section 25-03.1-02 of the North Dakota Century Code, relating to the definitions of expert examiner and independent expert examiner for commitment procedures.

Was read the first time and referred to the **Human Services Committee**.

SB 2132: A BILL for an Act to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to refunds or credit of taxes based on a claim of unconstitutionality; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2135: A BILL for an Act to amend and reenact sections 39-02-03, 39-04-02.1, and 39-04-10 of the North Dakota Century Code and section 9 of chapter 331 of the 2001 Session Laws, relating to motor vehicle branch office fees, address corrections, renewal of amateur radio license plates, and Lewis and Clark license plates; and to repeal section 8 of chapter 331 of the 2001 Session Laws, relating to the expiration of authority to issue Lewis and Clark license plates.

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

SB 2136: A BILL for an Act to create and enact a new section to chapter 60-02.1 of the North Dakota Century Code, relating to licensing of roving grain buyers; to amend and reenact sections 60-02.1-07 and 60-02.1-17 of the North Dakota Century Code, relating to licensing and monthly reports of grain buyers; and to repeal section 60-02.1-24 of the North Dakota Century Code, relating to notification to the public service commission of the destruction of a facility operated by a facility-based grain buyer.

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

SB 2138: A BILL for an Act to amend and reenact subsection 3 of section 10-06.1-10 of the North Dakota Century Code, relating to the composition of the natural areas acquisition advisory committee.

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

SB 2139: A BILL for an Act to amend and reenact section 50-30-02 of the North Dakota Century Code, relating to the North Dakota health care trust fund; and to repeal section 50-24.4-30 of the North Dakota Century Code, relating to the government nursing facility funding pool.

Was read the first time and referred to the **Human Services Committee**.

SB 2140: A BILL for an Act to amend and reenact section 57-35.3-12, subsection 9 of section 57-38-38, and sections 57-38.1-01 and 57-38.1-02 of the North Dakota Century Code, relating to provisions of the corporate income tax applicable to the financial institutions tax, the time period for the assessment of additional income tax, the definition of financial organization for purposes of the Uniform Division of Income for Tax Purposes Act, and applicability of the Uniform Division of Income for Tax Purposes Act; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

SB 2148: A BILL for an Act to create and enact a new section to chapter 54-23.3 of the North Dakota Century Code, relating to definitions under the department of corrections and rehabilitation governing laws; and to amend and reenact sections 12-46-13, 12-47-01, 12-47-04, 12-47-11, 12-47-12, 12-47-13, 12-47-17, 12-47-18, 12-47-18.1, 12-47-31, 12-47-34, 12-48-01, 12-48-02, 12-48-03, 12-48-03.1, 12-48-07, 12-48-14, 12-48-22, 12-48.1-01, 12-48.1-02, and 12-48.1-03, subsection 1 of section 12-54.1-01, and sections 12-54.1-03 and 29-27-05 of the North Dakota Century Code, relating to placements at the North Dakota youth correctional center, the North Dakota state penitentiary, prison employment and prison industries, training and work release programs, performance-based sentence reduction, meritorious sentence reduction, and transfer of offenders to the department of corrections and rehabilitation.

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

SB 2149: A BILL for an Act to create and enact a new subsection to section 50-01.2-03 of the North Dakota Century Code, relating to duties of county social service boards; and to amend and reenact sections 50-11-00.1 and 50-11-04, subsection 2 of section 50-11-06.6, section 50-11.1-02, subsection 5 of section 50-11.1-03, sections 50-11.1-04, 50-11.1-06, 50-11.1-07, and 50-11.1-07.1, subsection 1 of section 50-11.1-07.2, sections 50-11.1-07.4, 50-11.1-07.5, 50-25.1-02, 50-25.1-06, and 50-25.1-06.1, and subsection 3 of section 50-25.1-11 of the North Dakota Century Code, relating to authorized agents of the department of human services for foster care licensing, child care licensing, and child abuse and neglect services.

Was read the first time and referred to the **Human Services Committee**.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4002: A concurrent resolution directing the Legislative Council to study the State Board of Higher Education's performance and accountability measures included in the report required by North Dakota Century Code Section 15-10-14.2.

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

REPORT OF STANDING COMMITTEE

HB 1073, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1073 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE (MAJORITY)

HB 1119: Industry, Business and Labor Committee (Rep. G. Keiser, Chairman) A MAJORITY of your committee (Reps. Keiser, N. Johnson, Clark, Dosch, Froseth, Kasper, Nottestad, Ruby, Vigesaa, Boe) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, remove the second "and"

Page 1, line 3, after "application" insert "; and to provide an effective date"

Page 3, after line 18, insert:

"c. The organization must have a reasonable basis to require an employee to submit to a test to determine the presence or absence of substances in the employee's system."

Page 3, line 31, replace "all" with "disability and vocational rehabilitation"

Page 4, after line 25, insert:

"SECTION 3. EFFECTIVE DATE. This Act is effective thirty days after the effective date of administrative rules adopted by workforce safety and insurance to establish criteria for substance abuse testing. Workforce safety and insurance shall certify to the legislative council when this Act has become effective as provided in this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE (MINORITY)

HB 1119: Industry, Business and Labor Committee (Rep. G. Keiser, Chairman) A MINORITY of your committee (Reps. Amerman, Dietrich, Ekstrom, Thorpe) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

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 feasibility and desirability of a comprehensive drug-testing program by workforce safety and insurance."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying during the 2005-06 interim the feasibility and desirability of a comprehensive drug-testing program by workforce safety and insurance, including the issues of who would be drug-tested, who would determine when a drug test is needed, where the drug test would be performed, the manner in which the drug test is conducted, the rehabilitation process of the claimant, disciplinary action against the claimant, civil liability, and confidentiality. 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

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF STANDING COMMITTEE

HB 1125: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1125 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "65-03-04,"

Page 1, line 5, after "children" insert "; and to provide a continuing appropriation"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 65-03-04 of the North Dakota Century Code is amended and reenacted as follows:

65-03-04. Safety programs - Continuing appropriation. The organization shall create and operate work safety and loss prevention programs to protect the health of covered employees and the financial integrity of the fund, including programs promoting safety practices by employers and employees through education, training, consultation, grants, or incentives. Any funds deposited in the workforce safety insurance fund are appropriated to the organization on a continuing basis for the purpose of funding the programs implemented under this section."

Page 3, line 1, after the first "the" insert "first business"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1143: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1143 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1152: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (20 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1152 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1155: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1155 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1171: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1171 was placed on the Sixth order on the calendar.

Page 12, line 17, after "5." insert "If the employee's first appropriate option is an option listed in subdivision c, d, e, or f of subsection 4, the organization may pursue retraining of one hundred four weeks or less."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1174, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1174 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1177: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 8 NAYS, 3 ABSENT AND NOT VOTING). HB 1177 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the semicolon

Page 1, line 3, remove "and to declare an emergency"

Page 1, line 15, remove "Unexpended appropriations for the state historical society are not subject"

Page 1, remove lines 16 and 17

Page 1, line 18, remove "legislative assembly."

Page 3, line 4, after the period insert "The historical impact emergency fund may not receive moneys from the state historical society's unexpended appropriations when the fund balance is greater than two hundred fifty thousand dollars. When the historical impact emergency fund balance is greater than two hundred fifty thousand dollars, any unexpended appropriations for the state historical society are canceled."

Page 3, remove line 7

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the emergency clause from the bill and provides that when the historical impact emergency fund balance is more than \$250,000, the historical society's unexpended appropriations are canceled.

REPORT OF STANDING COMMITTEE

HB 1185: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (16 YEAS, 1 NAY, 6 ABSENT AND NOT VOTING). HB 1185 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1194: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1194 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1203: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1203 was placed on the Sixth order on the calendar.

Page 1, line 1, after the semicolon insert "to create and enact a new subdivision to subsection 7 of section 6-08.1-02 of the North Dakota Century Code, relating to disclosure of customer information by the Bank of North Dakota;"

Page 1, after line 3, insert:

"SECTION 1. A new subdivision to subsection 7 of section 6-08.1-02 of the North Dakota Century Code is created and enacted as follows:

Recipient reports and grantor reports as required under sections 2 through 10 of this Act."

Page 1, line 4, after "in" insert "sections 2 through 10 of"

Page 2, after line 31, insert:

"q. Federal or state assistance for the lignite research, development, and marketing program under chapter 54-17.5."

Page 3, line 25, after "of" insert "sections 2 through 10 of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1210: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1210 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1216: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1216 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1217: 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 1217 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide for a report;"

Page 1, line 8, after the boldfaced period insert:

"1."

Page 1, line 15, replace "1." with "a."

Page 1, line 19, replace "2." with "b."

Page 1, line 23, replace "one hundred sixty-four thousand two hundred fifty dollars" with "the total asset protection amount in effect at the time of purchase"

Page 2, after line 2, insert:

"2."

Page 2, after line 4, insert:

- "3. As used in this section, "total asset protection amount" means a maximum benefit equal to one hundred sixty-four thousand two hundred fifty dollars for policies purchased during 2005 and that amount plus an additional five percent compounded annually for policies purchased in any year after 2005.

SECTION 2. REPORT TO LEGISLATIVE COUNCIL. Before November 1, 2005, the department of human services shall report to the legislative council regarding the status of the amendment to the medicaid state plan regarding the disregard of any assets to the extent that payments are made under a long-term care insurance policy or because an individual has received or is entitled to receive benefits under a long-term care insurance policy."

Page 2, line 5, replace "This" with "Section 1 of this"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1238: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1238 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1246, as amended, Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HB 1246, as amended, was placed on the Sixth order on the calendar.

Page 1, line 2, replace "certain" with "an"

Page 1, line 3, replace "defibrillators" with "defibrillator"

Page 1, line 10, replace "an" with "one", replace the first "the" with "a", and replace "and compliance with the" with "located in North Dakota."

Page 1, remove line 11

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1248: 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 1248 was placed on the Sixth order on the calendar.

Page 2, line 31, replace "maximum" with "minimum"

Page 3, line 1, replace "income amount" with "maintenance needs allowance"

Page 3, line 8, replace "within" with "and has a guaranteed period that is equal to"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1275: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1275 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 create and enact a new section to chapter 54-59 of the North Dakota Century Code, relating to executive branch, legislative branch, and judicial branch reporting of information technology projects to the information technology advisory committee; and to amend and reenact section 54-59-07 of the North Dakota Century Code, relating to the state information technology advisory committee."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-59-07 of the North Dakota Century Code is amended and reenacted as follows:

54-59-07. State information technology advisory committee. The state information technology advisory committee consists of the chief information officer; the commissioner of higher education or the commissioner's designee; the attorney general or the attorney general's designee; the secretary of state or the secretary of state's designee; the tax commissioner or the commissioner's designee; the chief justice of the supreme court or the chief justice's designee; two members of the legislative assembly appointed by the legislative council; a minimum of eight members representing state agencies, appointed by the governor; and two members with technology management expertise representing private industry, appointed by the governor. The appointees of the governor serve at the pleasure of the governor. The governor shall designate the chairman of the committee. Additional members may be asked to participate at the request of the chairman. The department shall provide staff services to the committee. The members of the committee representing private industry are entitled to be compensated for time spent in attendance at meetings of the committee and for other travel as approved by the chairman of the committee at the rate of sixty-two dollars and fifty cents per day and are entitled to reimbursement for actual and necessary expenses incurred in the same manner as other state officials. The compensation and expenses are to be paid from appropriations for the department. The committee shall advise the department regarding statewide information technology planning and budgeting, services of the information technology department, and statewide information technology initiatives and policy and shall review reports on major information technology projects as required by this chapter.

SECTION 2. A new section to chapter 54-59 of the North Dakota Century Code is created and enacted as follows:

Information technology projects - Reports.

1. An executive, legislative, or judicial branch agency, except for institutions under the control of the state board of higher education, shall report to the state information technology advisory committee according to guidelines developed by the department and reviewed by the state information technology advisory committee regarding the plan for and status of any software development or implementation project that is estimated to cost more than two hundred fifty thousand dollars.
2. During the life of the project, the agency shall notify the state information technology advisory committee if:
 - a. At a project milestone, the amount expended on project costs exceeds the planned budget for that milestone by twenty percent or more; or
 - b. At a project milestone, the project schedule extends beyond the planned schedule to attain that milestone by twenty percent or more.
3. A report under subsection 2 must specify corrective measures being undertaken to address any cost or time of completion issue. If the agency has not taken adequate corrective measures within ninety days after the report, the agency shall submit a report to the legislative council's information technology committee regarding the project.
4. Upon completion of the project, the agency shall notify the state information technology advisory committee if:
 - a. The budget for the project exceeded the original budget by twenty percent or more; or
 - b. The final project completion date extended beyond the original project scheduled completion date by twenty percent or more."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1277, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HB 1277 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1295: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1295 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1302: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1302 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1306: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1306 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "comprising approximately one hundred", remove "eighty", and overstrike "acres, known as"

Page 1, overstrike lines 10 through 12 and insert immediately thereafter:

"in Section 5, Township 139 North, Range 96 West of the 5th p.m., Stark County, North Dakota, more particularly described as follows, to wit:

Beginning at the southwest corner of Section 5, an iron pin found; thence North on an azimuth of 359 degrees 59 minutes 26 seconds, 272.81 feet to a point on the northerly 120 foot right-of-way line of Old U.S. Highway No. 10, and the True Point of Beginning; thence continuing North along the west line of said Section 5 on an azimuth of 359 degrees 59 minutes 26 seconds a distance of 5020.46 feet to a point on the southerly I-94 right-of-way fence; thence easterly along said right-of-way on an azimuth of 089 degrees 55 minutes 28 seconds a distance of 503.47 feet to the westerly 100 foot right-of-way line of I-94 Business Loop [F-709 (1)]; thence southeasterly along said westerly 100 foot right-of-way line on an azimuth of 155 degrees 12 minutes 00 seconds (Base Bearing) a distance of 3134.12 feet to T.S. (Sta. 55+56.2); thence along a 400 foot spiral curve with a Sc 6 degree Long Chord Azimuth of 153 degrees 23 minutes, Long Chord distance 410.27 feet to S.C. (Sta. 59+56.2); thence continuing southeasterly along said right-of-way on the outside of 100 foot right-of-way of a 3 degree curve to the left on a Long Chord Azimuth of 127 degrees 57 minutes 26 seconds, a Long Chord distance of 1456.57 feet (Arc Length of 1490.48 feet) to the intersection of the northerly 130 foot right-of-way line of Old U.S. Highway No. 10; thence southwesterly along said 130 foot right-of-way of a 1 degree curve on a Long Chord Azimuth of 255 degrees 34 minutes 52 seconds, Long Chord distance of 403.31 feet (Arc length 403.40 feet), (P.C. Sta. of 438+20.1); thence southeasterly on an azimuth of 163 degrees 36 minutes 32 seconds, 30 feet to a point on the northerly 100 foot right-of-way; thence southwesterly along said 100 foot right-of-way on an azimuth of 253 degrees 36 minutes 32 seconds, 1420.08 feet to a point where the right-of-way jogs from 100 feet to 120 feet; thence northwesterly on an azimuth of 343 degrees 36 minutes 32 seconds a distance of 20.00 feet; thence southwesterly along said 120 foot right-of-way on an azimuth of 253 degrees 36 minutes 32 seconds a distance of 1142.30 feet to the beginning of a 1 degree curve to the right (Sta. 412+57.7); thence along a Long Chord Azimuth of 255 degrees 13 minutes 12 seconds a Long Chord distance of 315.45 feet (Arc Length 315.50 feet) to the Point of Beginning.

Tract contains 181.8 Acres."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1307: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1307 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1318, as amended, Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1318, as amended, was placed on the Sixth order on the calendar.

Page 1, line 11, after "commissioner" insert "for the most recent taxable year"

Page 1, line 17, after "authorities" insert "for the most recent taxable year" and replace "that" with "the current"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1319: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1319 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1321: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1321 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1323: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1323 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1329: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1329 was placed on the Sixth order on the calendar.

Page 2, line 23, after "means" insert "a financial guaranty insurance policyholder or"

Page 15, line 22, after the first "to" insert "a financial guaranty insurance policyholder or"

Page 15, line 23, after the period insert "A financial guaranty insurance policy is not subject to the provisions of this section"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1330: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1330 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "of the funeral establishment's business"

Page 1, line 8, remove "literature, correspondence, advertising," and remove the fourth comma

Page 1, line 10, replace "fifteen" with "thirty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1333: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1333 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1335: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1335 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1339: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1339 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1340: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1340 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1368: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1368 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1393: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1393 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1345: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1345 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1401: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1401 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1404, as amended, Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1404, as amended, was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~but not in an amount exceeding~~" and after "five" insert "six"

Page 1, remove the overstrike over line 11

Page 1, line 12, remove the overstrike over "~~and gas impact grants for the biennium by the legislative assembly;~~" and remove the overstrike over "~~who shall~~"

Page 1, line 15, replace "2005" with "2007"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1416: Transportation Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1416 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1422: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1422 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1424: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1424 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1445: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1445 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1446: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1446 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1488: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1488 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1506: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1506 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "of" and remove "one hundred"

Page 1, line 10, overstrike "thousand dollars" and insert immediately thereafter "equal to five percent of the maximum total death benefits specified in subsection 1 of section 65-05-17"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1513, as amended, Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1513, as amended, was placed on the Sixth order on the calendar.

Page 6, line 22, after the underscored period insert "The adjustment factor for a school district under this subsection may not exceed one and four-tenths or be less than one."

Page 7, line 1, replace "7" with "5"

Renumber accordingly

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

Bradley C. Fay, Chief Clerk

