

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

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Bismarck, March 15, 2005

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

The prayer was offered by Pastor Clyde Leimberer, Baptist Home, Bismarck.

The roll was called and all members were present except Representatives Brusegaard, Charging, Sandvig, Solberg, and Zaiser.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER KLEIN DEEMED approval of HB 1525 HB 1528, SB 2026, SB 2205, SB 2237, SB 2282, SB 2290 and SB 2324.

HB 1525 and HB 1528, as amended, were placed on the Eleventh order of business on the calendar.

SB 2026, SB 2205, SB 2237, SB 2282, SB 2290 and SB 2324, as amended, were placed on the Fourteenth order of business on the calendar.

SIXTH ORDER OF BUSINESS

SB 2256: REP. DEKREY (Natural Resources Committee) MOVED that the amendments on HJ page 1004 be adopted, which motion prevailed on a verification vote.

MOTION

REP. BERG MOVED that SB 2256 be laid over one legislative day, which motion prevailed.

MOTION

REP. BERG MOVED that SB 2384, which is on the Fourteenth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, SB 2384 was rereferred.

SECOND READING OF SENATE BILL

SB 2295: A BILL for an Act to create and enact a new subsection to section 61-35-12 and sections 61-39-06, 61-39-07, 61-39-08, 61-39-09, 61-39-10, 61-39-11, 61-39-12, 61-39-13, 61-39-14, 61-39-15, and 61-39-16 of the North Dakota Century Code, relating to issuance of bonds by the Lake Agassiz water authority; and to amend and reenact sections 61-39-01, 61-39-02, 61-39-03, and 61-39-05 of the North Dakota Century Code, relating to water supply contracts and membership of and powers of the Lake Agassiz water authority.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunsakor; 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; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Boe; Charging; Sandvig; Solberg; Zaiser

Engrossed SB 2295 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2271: A BILL for an Act to amend and reenact sections 20.1-04-15 and 20.1-08-04.9 of the North Dakota Century Code, relating to the opening date of pheasant season for youth.

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 29 YEAS, 61 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Brandenburg; Brusegaard; Conrad; Dietrich; Ekstrom; Froelich; Glassheim; Gulleson; Horter; Kelsh, S.; Kempenich; Kerzman; Kretschmar; Maragos; Metcalf; Meyer, S.; Mueller; Nelson; Owens; Porter; Potter; Rennerfeldt; Schmidt; Thorpe; Weisz

NAYS: Bellew; Belter; Berg; Bernstein; Boehning; Carlisle; Carlson; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Froseth; Galvin; Grande; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kingsbury; Klemin; Koppelman; Kreidt; Kroeber; Martinson; Meier, L.; Monson; Nicholas; Norland; Nottestad; Onstad; Pietsch; Pollert; Price; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Charging; Sandvig; Solberg; Zaiser

SB 2271 lost.

SECOND READING OF SENATE BILL

SB 2082: A BILL for an Act to create and enact a new section to chapter 43-01 of the North Dakota Century Code, relating to the temporary certification of an abstractor to work in a county that has no certified abstractor; and to amend and reenact sections 43-01-15.1 and 43-01-16 of the North Dakota Century Code, relating to the furnishing of limited abstracts upon request and the cancellation of an abstractor's certificate.

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; 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; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

NAYS: Delzer; Froelich; Kasper; Kerzman

ABSENT AND NOT VOTING: Charging; Sandvig; Solberg; Zaiser

Engrossed SB 2082 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2349: A BILL for an Act to provide for an office of faith-based and community initiatives and an advisory commission on faith-based and community initiatives.

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 88 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey;

Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; 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; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

NAYS: Keiser; Porter

ABSENT AND NOT VOTING: Charging; Sandvig; Solberg; Zaiser

Reengrossed SB 2349 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2201: A BILL for an Act to amend and reenact sections 54-44.5-01, 54-44.5-06, and 54-44.5-07 of the North Dakota Century Code, relating to federal block grants supporting community action agencies.

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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; 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; 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; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Speaker Klein

ABSENT AND NOT VOTING: Boucher; Charging; Sandvig; Solberg; Wrangham; Zaiser

SB 2201 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2150: A BILL for an Act to amend and reenact sections 54-17.2-01, 54-17.2-02.1, and 54-17.2-02.2, subsections 1 and 7 of section 54-17.2-03, and sections 54-17.2-04, 54-17.2-06, 54-17.2-07, 54-17.2-08, 54-17.2-09, 54-17.2-10, 54-17.2-11, 54-17.2-16, and 54-17.2-19 of the North Dakota Century Code, relating to financing by the building authority of projects authorized by the legislative assembly.

ROLL CALL

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

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

NAYS: Bellew; Delzer; Kempenich; Skarphol

ABSENT AND NOT VOTING: Charging; Gulleon; Sandvig; Solberg; Wrangham; Zaiser

Engrossed SB 2150 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2330: A BILL for an Act to create and enact a new subsection to section 57-35.3-05 of the North Dakota Century Code, relating to financial institutions tax credits for tax overpayments; to provide an effective date; and to provide an expiration 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 24 YEAS, 66 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Brandenburg; Carlson; Clark; Delzer; Drovdal; Froseth; Grande; Hawken; Headland; Iverson; Johnson, N.; Kretschmar; Martinson; Norland; Pietsch; Rennerfeldt; Sitte; Timm; Uglen; Wald; Wrangham; Speaker Klein

NAYS: Aarsvold; Amerman; Bellew; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Ekstrom; Froelich; Galvin; Glassheim; Guleson; Haas; Hanson; Herbel; Horter; Hunskor; Johnson, D.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kroeber; Maragos; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Owens; Pollert; Porter; Potter; Price; Ruby; Schmidt; Skarphol; Svedjan; Thoreson; Thorpe; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams

ABSENT AND NOT VOTING: Charging; Sandvig; Solberg; Zaiser

Engrossed SB 2330 lost.

SECOND READING OF SENATE BILL

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.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; 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; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Charging; Sandvig; Solberg; Williams; Zaiser

Engrossed SB 2132 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2252: A BILL for an Act to amend and reenact subsection 3 of section 23-07.3-01 and subsections 1 and 9 of section 23-07.5-01 of the North Dakota Century Code, relating to notification of exposure to infectious diseases and to human immunodeficiency virus testing.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; 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; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Charging; Gulleeson; Sandvig; Solberg; Zaiser

SB 2252 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2401: A BILL for an Act to amend and reenact section 19-03.1-23.1 of the North Dakota Century Code, relating to increased penalties for possessing a firearm during a controlled substance offense; and to provide a penalty.

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, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; 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; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Brusegaard; Charging; Gulleeson; Nicholas; Sandvig; Solberg; Zaiser

Engrossed SB 2401 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that SCR 4034 be laid over three legislative days, which motion prevailed.

MOTION

REP. MONSON MOVED that SCR 4013 and SCR 4033 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4013: A concurrent resolution expressing support for the Red River Valley Research Corridor and commending the broad range of private and public sector partners from the federal, state, and local levels for their hard work to make the corridor a national, regional, and local success.

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4013 passed and the title was agreed to on a verification vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4033: A concurrent resolution directing the Legislative Council to study whether enhancing the quality of childcare and increasing access to affordable childcare would favorably impact economic development in the state.

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4033 passed and the title was agreed to on a verification vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

SCR 4016: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting a statewide procedure for conducting missing persons investigations.

The question being on the final adoption of the resolution, which has been read.

SCR 4016 was declared adopted on a voice vote, and the title was agreed to.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2050, SB 2073, SB 2076, SB 2181, SB 2325, SB 2353, SB 2359, SB 2362, SB 2393, SCR 4021.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4023, SCR 4026.

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 1523.

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

MR. PRESIDENT: The House has failed to pass: SB 2049, SB 2392.

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

MR. PRESIDENT: The House has passed unchanged: SB 2099, SB 2112, SB 2183.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2133, SB 2246, SB 2335.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 15, 2005: HB 1032, HB 1046, HB 1048, HB 1054, HB 1070, HB 1095, HB 1110, HB 1112, HB 1113, HB 1142, HB 1170, HB 1198, HB 1202, HB 1208, HB 1220, HB 1233, HB 1243, HB 1260, HB 1281, HB 1306, HB 1341, HB 1366, HB 1395, HB 1399.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on March 15, 2005: HCR 3001, HCR 3016, HCR 3022, HCR 3045.

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

MR. SPEAKER: The Senate has failed to pass: HB 1196, HB 1245, HB 1299.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1028, HCR 3031.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1028

Page 2, line 6, replace the first "two" with "three"

Page 2, line 22, replace "fifty" with "one hundred"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3031

Page 1, line 2, replace the second comma with a semicolon

Page 1, line 3, replace the comma with a semicolon

Page 1, line 4, after "care" insert ", child welfare services, social services, environmental protection, education, and law enforcement" and replace the comma with "; the identification and study of the social and fiscal impact of providing social services in counties within and adjacent to the reservations;"

Page 1, line 25, replace the comma with a semicolon

Page 2, line 1, replace the comma with a semicolon and after "care" insert ", child welfare services, social services, environmental protection, education, and law enforcement"

Page 2, line 2, replace the comma with "; the identification and study of the social and fiscal impact of providing social services in counties within and adjacent to the reservations;"

Renumber accordingly

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1229.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1044, HB 1065, HB 1103, HB 1197, HB 1221, HB 1232, HB 1364, HB 1427, HB 1448, HCR 3024, HCR 3033.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2391, SB 2403, SB 2404, SB 2405.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2036, SB 2039, SB 2061, SB 2069, SB 2071, SB 2075, SB 2077, SB 2079, SB 2098, SB 2113, SB 2116, SB 2130, SB 2151, SB 2160, SB 2163, SB 2172, SB 2175, SB 2182, SB 2212, SB 2225, SB 2226, SB 2234, SB 2249, SB 2250, SB 2257, SB 2262, SB 2263, SB 2275, SB 2277, SB 2322, SB 2334, SB 2339, SB 2347, SB 2354, SB 2355, SB 2363, SB 2367, SB 2369, SB 2379, SB 2390.

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

MR. SPEAKER: The President has signed: HB 1032, HB 1046, HB 1048, HB 1054, HB 1070, HB 1095, HB 1110, HB 1112, HB 1113, HB 1142, HB 1170, HB 1198, HB 1202, HB 1208, HB 1220, HB 1233, HB 1243, HB 1260, HB 1281, HB 1306, HB 1341, HB 1366, HB 1395, HB 1399, HCR 3001, HCR 3016, HCR 3022, HCR 3045.

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, and Fourteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, March 16, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1527: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1527 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "continuing education" with "license renewal"

Page 1, line 7, replace "**Continuing education**" with "**License renewal**"

Page 1, line 8, replace "or may" with "and shall"

Page 1, line 9, replace "continuing education" with "license renewal"

Page 1, line 10, replace "continuing education" with "renewal"

Page 1, line 20, replace "may" with "shall"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2141: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). SB 2141 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section"

Page 1, line 2, remove "20.1-13.1-06 and"

Page 2, remove lines 3 through 30

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 11

Page 4, line 15, after the boldfaced period insert:

"1."

Page 4, line 24, overstrike "1." and insert immediately thereafter "a.", remove the overstrike over "~~ninety-one days~~", and remove "one year"

Page 4, line 28, overstrike "2." and insert immediately thereafter "b.", remove the overstrike over "~~three hundred sixty-four days~~", and remove "two years"

Page 5, line 1, overstrike "3." and insert immediately thereafter "c.", remove the overstrike over "~~two~~", and remove "three"

Page 5, after line 5, insert:

"2. A person who is prohibited from operating a motorboat or a vessel under subdivision a of subsection 1 shall serve the prohibition within the time period between May first and October first. If the person is unable to serve the full prohibition within this time period in a single year, the person shall serve the remaining portion of the prohibition during the same time period in subsequent years."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2158: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2158 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2162, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2162 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2240, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2240 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2242, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2242 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2281, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2281 was placed on the Sixth order on the calendar.

Page 4, line 3, replace "ethanol production" with "agricultural commodity processing"

Page 4, line 25, replace the second comma with "and" and remove ", and 4"

Page 4, line 26, after the period insert "Section 4 of this Act is effective for tax year 2004 and is thereafter ineffective, except any unused credit may be carried forward as provided in chapter 57-38.6."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2356, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2356 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 53-01 of the North Dakota Century Code, relating to mixed fighting style competitions; and to amend and reenact sections 53-01-02, 53-01-03, 53-01-07, 53-01-09, and 53-01-17 of the North Dakota Century Code, relating to the regulation of mixed fighting style competitions."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 53-01 of the North Dakota Century Code is created and enacted as follows:

Mixed fighting style competition - Definition - Prohibition. As used in this chapter, "mixed fighting style competition" means an advertised or professionally promoted exhibition or contest for which any type of admission fee is charged and in which participants who inflict or employ kicks, punches, blows, holds, and other techniques to injure, stun, choke, incapacitate, or disable an opponent. The techniques may include a combination of boxing, kickboxing, wrestling, grappling, or other recognized martial arts. Boxing and kickboxing exhibitions or contests without the combination of other techniques do not constitute mixed fighting style competitions. A person may not advertise, promote, sponsor, hold, or participate in any mixed fighting style competition in this state until a mixed fighting style advisory board is authorized and appointed and rules governing the competitions have been adopted by the secretary of state under this chapter.

SECTION 2. AMENDMENT. Section 53-01-02 of the North Dakota Century Code is amended and reenacted as follows:

53-01-02. Administration by secretary of state - Appointment of athletic advisory board and mixed fighting style advisory board. The secretary of state shall act as state athletic commissioner and administer this chapter. The secretary of state may appoint an athletic advisory board to assist and advise the secretary of state in matters relating to the regulation of boxing, kickboxing, and sparring. The secretary of state also may appoint a mixed fighting style advisory board whose members may include one or more members of the athletic advisory board. The secretary of state shall define the duties of the each board. ~~Members of the board shall serve without~~ Board members are not entitled to compensation, except for reimbursement for actual and necessary expenses at the same rate as allowed state employees incurred in performing their official duties.

SECTION 3. AMENDMENT. Section 53-01-03 of the North Dakota Century Code is amended and reenacted as follows:

53-01-03. Restrictions. The secretary of state may not ~~promote~~, directly or indirectly, ~~promote~~ any boxing, kickboxing, mixed fighting style competition, or sparring exhibition, engage in the managing of any boxer ~~or~~ kickboxer, or mixed style fighter, or be interested in any manner in the proceeds from any boxing, kickboxing, mixed fighting style competition, or sparring exhibition.

SECTION 4. AMENDMENT. Section 53-01-07 of the North Dakota Century Code is amended and reenacted as follows:

53-01-07. Duties of state athletic commissioner. The secretary of state shall supervise all boxing, kickboxing, mixed fighting style competitions, or sparring exhibitions held in the state and may:

1. Adopt rules governing the conduct of boxing, kickboxing, mixed fighting style competitions, and sparring exhibitions.
2. Establish license fees for all boxers, kickboxers, mixed style fighters, boxing ~~and~~, kickboxing, and mixed fighting style competition promoters, managers, judges, timekeepers, cornerpersons, knockdown counters, matchmakers, and referees or other participants.
3. Establish by rule a fee based on the percentage of gross revenues from any boxing, kickboxing, mixed fighting style competition, or sparring exhibition held in this state to pay for the expenses of members of the athletic advisory board or the mixed fighting style advisory board. A fee established under this subsection may not exceed one percent of the gross revenues of the exhibition from any and all sources including cable television and pay-per-view telecasts of the event, exclusive of any federal tax thereon.

SECTION 5. AMENDMENT. Section 53-01-09 of the North Dakota Century Code is amended and reenacted as follows:

53-01-09. Fees paid into special fund - Continuing appropriation. All fees collected by the secretary of state pursuant to this chapter must be deposited in a special fund maintained in the state treasury. All money deposited in the fund is appropriated as a continuing appropriation to the secretary of state for administering this chapter and for the compensation and expenses of members of the athletic advisory board and the mixed fighting style advisory board.

SECTION 6. AMENDMENT. Section 53-01-17 of the North Dakota Century Code is amended and reenacted as follows:

53-01-17. Exhibitions also governed by local ordinance. Boxing, kickboxing, or sparring exhibitions may not be held in cities in which such contests or exhibitions are declared illegal by ordinance. All boxing, kickboxing, mixed fighting style competitions, or sparring exhibitions held in any city in this state must be held in conformity with the ordinances of the city in addition to the requirements under this chapter."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2332: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2332 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2375, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2375 was placed on the Sixth order on the calendar.

Page 1, line 1, after "of" insert "licensure and" and after "qualifications" insert "or reciprocity"

Page 1, line 2, replace "Minnesota" with "each state bordering North Dakota"

Page 1, line 5, after "board" insert ", in cooperation with the department of public instruction,"

Page 1, line 6, replace "the state of Minnesota" with "each state bordering North Dakota", after the second "of" insert "licensure and", and after "qualifications" insert "or reciprocity"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4031: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4031 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4032: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4032 was placed on the Tenth order on the calendar.

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

Bradley C. Fay, Chief Clerk

