

JOURNAL OF THE HOUSE

Fifty-eighth Legislative Assembly

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Bismarck, March 21, 2003

The House convened at 12:30 p.m., with Speaker Nicholas presiding.

The prayer was offered by Rev. Pam & Steve Easterday, Deans of the Episcopal Cathedral, Fargo.

The roll was called and all members were present except Representatives Boe, Drovdal, Glassheim, Hawken, Kempenich, Koppelman, Kreidt, Tieman, Wentz, and Wieland.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 20, 2003, I have signed the following: HB 1046, HB 1081, HB 1093, HB 1100, HB 1143, HB 1145, HB 1270, HB 1276, and HB 1355.

SIXTH ORDER OF BUSINESS

REP. BERG MOVED that the amendments on the Sixth order of business to SB 2031, SB 2036, SB 2083, SB 2235, SB 2262 and SB 2275 be adopted, which motion prevailed.

SB 2083, as amended, was rereferred to the **Appropriations Committee**.

SB 2031, SB 2036, SB 2235, SB 2262 and SB 2275, as amended, were placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2061: A BILL for an Act to adopt the Uniform Arbitration Act; and to repeal chapter 32-29.2 of the North Dakota Century Code, relating to the Uniform Arbitration Act.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Grande; Grosz; Gullerson; Haas; Hanson; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Wald

ABSENT AND NOT VOTING: Boe; Drovdal; Glassheim; Hawken; Kempenich; Koppelman; Kreidt; Tieman; Wentz; Wieland

SB 2061, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2148: A BILL for an Act to create and enact a new subsection to section 53-06.1-12.3 of the North Dakota Century Code, relating to installment payments on delinquent taxes or penalties; and to amend and reenact section 53-06.1-01, subsections 2, 3, and 4 of section 53-06.1-01.1, section 53-06.1-03, subsections 1, 4, and 5 of section 53-06.1-06, sections 53-06.1-07.2 and 53-06.1-10, subsections 1 and 2 of section 53-06.1-11.1, subsections 3 and 5 of section 53-06.1-12, subsections 1, 2, 3, 4, and 6 of section 53-06.1-14, subsections 4, 8, 9, 10, and 11 of section 53-06.1-15.1, and subsection 1 of section 53-06.1-16 of the North Dakota Century Code, relating to games of chance.

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 77 YEAS, 7 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Grande; Grosz; Gulleston; Haas; Hanson; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein, F.; Klein, M.; Klemin; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Wald

NAYS: Bellew; Kerzman; Niemeier; Onstad; Potter; Ruby; Solberg

ABSENT AND NOT VOTING: Boe; Drovdal; Glassheim; Hawken; Kempenich; Koppelman; Kreidt; Tieman; Wentz; Wieland

SB 2148, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2259: A BILL for an Act to amend and reenact section 40-63-07 of the North Dakota Century Code, relating to renaissance fund organizations.

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 76 YEAS, 8 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Eckre; Ekstrom; Froseth; Galvin; Grande; Grosz; Gulleston; Haas; Hanson; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein, F.; Klein, M.; Klemin; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Severson; Sitte; Svedjan; Thoreson; Thorpe; Timm; Uglem; Warnke; Weiler; Weisz; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Wald

NAYS: Aarsvold; Delzer; Froelich; Kerzman; Schmidt; Skarphol; Solberg; Warner

ABSENT AND NOT VOTING: Boe; Drovdal; Glassheim; Hawken; Kempenich; Koppelman; Kreidt; Tieman; Wentz; Wieland

SB 2259, as amended, passed and the title was agreed to.

MOTION

REP. BERG MOVED that SB 2305 and SB 2199 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2196: A BILL for an Act to amend and reenact section 36-01-01 of the North Dakota Century Code, relating to membership of the state board of animal health.

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 42 YEAS, 41 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Bernstein; Boehning; Carlisle; Clark; DeKrey; Delmore; Devlin; Eckre; Ekstrom; Galvin; Grande; Hunskor; Iverson; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Klemin; Kretschmar; Maragos; Mueller; Niemeier; Nottestad; Onstad; Pollert; Porter; Potter; Price; Ruby; Severson; Sitte; Thoreson; Uglem; Warnke; Weisz; Wikenheiser; Williams; Winrich; Wrangham; Zaiser

NAYS: Amerman; Belter; Berg; Boucher; Brusegaard; Carlson; Dosch; Froelich; Froseth; Grosz; Gullerson; Haas; Hanson; Headland; Herbel; Johnson, D.; Johnson, N.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Kroeber; Martinson; Meier; Metcalf; Monson; Nelson; Nicholas; Norland; Pietsch; Rennerfeldt; Sandvig; Schmidt; Skarphol; Solberg; Svedjan; Thorpe; Timm; Warner; Weiler; Acting Speaker Wald

ABSENT AND NOT VOTING: Boe; Delzer; Drovda; Glassheim; Hawken; Kempenich; Koppelman; Kreidt; Tieman; Wentz; Wieland

Engrossed SB 2196 lost.

SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act to provide for the development and operation of wind turbines by public school districts; to create and enact a new subsection to section 15.1-09-33 of the North Dakota Century Code, relating to the powers of school boards; and to amend and reenact subsection 5 of section 15.1-36-01 and subsection 4 of section 21-03-06 of the North Dakota Century Code, relating to school construction projects and school district bonds.

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 9 YEAS, 74 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Kelsh, S.; Kretschmar; Monson; Potter; Warner; Wikenheiser; Winrich; Zaiser; Acting Speaker Wald

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Grande; Grosz; Gullerson; Haas; Hanson; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kroeber; Maragos; Martinson; Meier; Metcalf; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Warnke; Weiler; Weisz; Williams; Wrangham

ABSENT AND NOT VOTING: Boe; Delzer; Drovda; Glassheim; Hawken; Kempenich; Koppelman; Kreidt; Tieman; Wentz; Wieland

Engrossed SB 2244 lost.

SECOND READING OF SENATE BILL

SB 2347: A BILL for an Act to amend and reenact section 48-05-11 of the North Dakota Century Code, relating to guaranteed energy savings contracts.

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 82 YEAS, 1 NAY, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Grande; Grosz; Gullerson; Haas; Hanson; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wikenheiser; Williams; Winrich; Wrangham; Zaiser

NAYS: Acting Speaker Wald

ABSENT AND NOT VOTING: Boe; Delzer; Drovda; Glassheim; Hawken; Kempenich; Koppelman; Kreidt; Tieman; Wentz; Wieland

SB 2347 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2378: A BILL for an Act to amend and reenact subsection 3 of section 43-28.1-03 and subsection 1 of section 43-28.1-04 of the North Dakota Century Code, relating to selection criteria and eligibility for loan repayment for dentists.

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 80 YEAS, 3 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Eckre; Ekstrom; Froelich; Froseth; Galvin; Grande; Grosz; Gulleson; Haas; Hanson; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Uglem; Warner; Warnke; Weiler; Weisz; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Wald

NAYS: Dosch; Ruby; Timm

ABSENT AND NOT VOTING: Boe; Delzer; Drovdal; Glassheim; Hawken; Kempenich; Koppelman; Kreidt; Tieman; Wentz; Wieland

SB 2378 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

SCR 4014: A concurrent resolution directing the Legislative Council to study methods for funding and providing law enforcement training in this state.

SCR 4024: A concurrent resolution celebrating the World Series victory of Darin Erstad as a member of the Anaheim Angels baseball team.

The question being on the final adoption of the resolutions, which have been read.

SCR 4014 and SCR 4024 passed on a voice vote, and the titles were agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do concur in the Senate amendments to HB 1052 as printed on HJ page 951, which motion prevailed on a voice vote.

HB 1052, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1052: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to a performance assurance plan by the public service commission; to provide a continuing appropriation; to provide an expiration date; and to declare an emergency.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Grande; Grosz; Gulleson; Haas; Hanson; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland;

Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Warner; Warnke; Weiler; Weisz; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Wald

ABSENT AND NOT VOTING: Boe; Drovdal; Glassheim; Hawken; Kempenich; Koppelman; Kreidt; Tieman; Wentz; Wieland

HB 1052, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to HB 1252 as printed on HJ page 953, which motion prevailed on a voice vote.

HB 1252, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1252: A BILL for an Act to create and enact a new section to chapter 54-59 of the North Dakota Century Code, relating to security background checks of certain employees of the information technology department.

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 79 YEAS, 5 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Eckre; Ekstrom; Froelich; Froseth; Galvin; Grande; Gulleon; Haas; Hanson; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Warner; Warnke; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Acting Speaker Wald

NAYS: Belter; Grosz; Ruby; Weiler; Weisz

ABSENT AND NOT VOTING: Boe; Drovdal; Glassheim; Hawken; Kempenich; Koppelman; Kreidt; Tieman; Wentz; Wieland

HB 1252, as amended, passed and the title was agreed to.

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

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

SB 2099: Reps. Drovdal; Grosz; Schmidt

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

MR. PRESIDENT: The House has failed to pass: SB 2196, SB 2244.

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

MR. PRESIDENT: The House has passed unchanged: SB 2347, SB 2378, SCR 4014, SCR 4024.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2061, SB 2148, SB 2259.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1200, HB 1261.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1213, HB 1218, HB 1251.

SENATE AMENDMENTS TO HOUSE BILL NO. 1213

Page 1, line 3, after "court" insert "supervisors and probation"

Page 1, line 7, after "court" insert "supervisors and probation"

Page 1, line 9, after "court" insert "supervisor or probation"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1218

Page 1, line 3, replace "lessees" with "owners"

Page 1, line 8, overstrike "a"

Page 1, line 9, overstrike "lessee owning" and insert immediately thereafter "the owner of"

Page 1, line 10, overstrike "lessee's" and insert immediately thereafter "owner's"

Page 1, line 12, overstrike "lessee" and insert immediately thereafter "owner" and remove the overstrike over "~~The~~" and insert immediately thereafter "recovery of a risk penalty is as follows:"

a."

Page 1, line 13, replace "lessee's" with "owner's"

Page 1, line 15, overstrike "lessee's" and insert immediately thereafter "owner's"

Page 1, line 18, overstrike "No risk penalty may be assessed against an unleased"

Page 1, line 19, overstrike "mineral interest" and insert immediately thereafter:

"b. If the nonparticipating owner's interest in the spacing unit is not subject to a lease or other contract for development, the risk penalty is fifty percent of the nonparticipating owner's share of the reasonable actual costs of drilling and completing the well and may be recovered only out of production from the pooled spacing unit as provided by section 38-08-10, exclusive of any royalty provided for in subsection 1.

c. The owner paying for the nonparticipating owner's share of the drilling and operation of a well may recover from the nonparticipating owner a risk penalty for the risk involved in drilling and completing the well only if the paying owner has made an unsuccessful, good-faith attempt to have the unleased nonparticipating owner execute a lease or to have the leased nonparticipating owner join in and participate in the risk and cost of drilling the well"

Page 2, line 5, overstrike "lessees" and insert immediately thereafter "owners"

Page 2, line 7, replace "lessee" with "owner"

Page 2, line 8, replace "lessee" with "owner"

Page 2, line 9, replace "If the nonparticipating lessee's" with "The recovery of the risk penalty is as follows:"

a. If the nonparticipating owner's"

Page 2, line 11, replace "lessee's" with "owner's"

Page 2, after line 13, insert:

"b. If the nonparticipating owner's interest in the unit is not subject to a lease or other contract for development, the penalty is fifty percent of the nonparticipating owner's share of the unit expense and may be

recovered only out of production from the unit exclusive of any royalty provided for in section 38-08-09.13.

- c. The owner paying for the nonparticipating owner's share of the unit expense may recover from the nonparticipating owner a risk penalty for the risk involved in the unit expense only if the paying owner has made an unsuccessful good-faith attempt to have the unleased nonparticipating owner execute a lease or to have the leased nonparticipating owner join in and participate in the risk of the unit expense."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1251

Page 2, line 1, remove "against a person convicted"

Page 2, line 2, remove "under this section" and remove "compensatory"

Renumber accordingly

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

MR. SPEAKER: The Senate has passed unchanged: HB 1073, HB 1316, HB 1331, HCR 3019, HCR 3031, HCR 3036, HCR 3042, HCR 3050, HCR 3054, HCR 3072.

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

MR. SPEAKER: The Senate has amended and subsequently failed: HB 1435.

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 2057, SB 2059, SB 2068, SB 2175, SB 2180, SB 2200, SB 2208, SB 2237, SB 2252, SB 2270, SB 2312, SB 2401.

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

MR. SPEAKER: The President has signed: HB 1031, HB 1071, HB 1083, HB 1090, HB 1095, HB 1113, HB 1117, HB 1146, HB 1163, HB 1185, HB 1191, HB 1193, HB 1214, HB 1224, HB 1258, HB 1259, HB 1267, HB 1334, HB 1338, HB 1374, HB 1383, HB 1444, HB 1457, HB 1480, HB 1481, HCR 3069.

REPORT OF STANDING COMMITTEE

SB 2160, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2160 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 954 and 955 of the House Journal, Engrossed Senate Bill No. 2160 is amended as follows:

Page 1, line 2, replace "two new subsections to section 34-15-03" with "a new section to chapter 34-15"

Page 1, line 6, after the second comma insert "and"

Page 1, line 7, remove ", and subsections 2 and 3 of section 34-15-01"

Page 1, line 9, replace "and" with "to provide for a report;" and after "date" insert "; and to provide an expiration date"

Page 5, line 13, replace "health" with ":

(1) Health"

Page 5, line 17, after the underscored semicolon insert "or

(2) A basic group health benefit plan approved under section 26.1-36.3-08,"

Page 10, line 11, replace "five hundred" with "one thousand"

Page 11, replace lines 24 through 31 with:

"**SECTION 12.** A new section to chapter 34-15 of the North Dakota Century Code is created and enacted as follows:

Reporting of patronage distributions. A person who makes a distribution of funds to a patron for which the person was required to file a copy of a 1099-PATR informational form shall furnish a report to the directory of new hires in the same manner that an employer reports the hiring of an employee under this chapter. A patron is deemed to be hired under this section on the date of the distribution or the date the dividend is declared, whichever occurs first. A person required to furnish a report under this section is subject to the same duties and responsibilities as an employer under this chapter."

Page 12, remove lines 1 through 22

Page 12, after line 31, insert:

"SECTION 14. DEPARTMENT OF HUMAN SERVICES - FUNDING FOR CHILD SUPPORT ENFORCEMENT SERVICES - REPORT TO FIFTY-NINTH LEGISLATIVE ASSEMBLY. The department of human services shall prepare and present a report to the appropriations committees of the fifty-ninth legislative assembly on the department's use of any funds appropriated to the department under section 13 of this Act during the biennium beginning July 1, 2003, and ending June 30, 2005."

Page 13, line 2, replace "the effective date of this Act" with "January 1, 2005"

Page 13, after line 2, insert:

"SECTION 16. EXPIRATION DATE. Section 13 of this Act is effective through June 30, 2005, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2248, as engrossed: Government and Veterans Affairs Committee (Rep. M. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2248 was placed on the Sixth order on the calendar.

Page 2, remove line 23

Page 2, line 24, replace "collecting completed absent voter's ballot applications shall submit all" with "A" and replace the second "applications" with "application must be returned by the applicant"

Page 2, line 25, remove "received from applicants"

Page 2, line 26, replace "each" with "the"

Page 3, line 27, after "auditor" insert "either"

Page 3, line 28, after "instructions" insert "or send to the qualified elector the ballot and instructions by facsimile"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2282, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING). Reengrossed SB 2282 was placed on the Sixth order on the calendar.

Page 1, replace lines 9 through 24 with:

"15-52-03. Medical center advisory council - Members, terms, meetings. ~~to order to~~

1. To assure the proper coordination and integration of the North Dakota state medical center with all other health and welfare activities of the state, a permanent medical center advisory council is hereby established to advise, consult, and make recommendations to the university administration, and

to the several agencies represented on the council concerning the program of the North Dakota state medical center, the adaptation ~~thereof of the~~ medical center to the needs of the state and to the requirements and facilities of the several agencies involved, and the use of the North Dakota state medical center and its facilities by the various institutions and agencies of the state and its political subdivisions.

2. The council ~~shall consist~~ consists of fourteen members: ~~two~~
 - a. Two members of the senate and two members of the house of representatives to be named by the governor; one to be named by and from the membership of ~~selected by the chairman of the legislative council;~~
 - b. One member selected by each of the following:~~the~~
 - (1) The department of human services; ~~the~~
 - (2) The state board of higher education, or such boards or departments as shall succeed them or any of them; ~~the~~
 - (3) The state health officer of the state department of health; ~~the~~
 - (4) The North Dakota medical association; ~~the~~
 - (5) The North Dakota hospital healthcare association; ~~the and~~
 - (6) The veterans administration hospital in Fargo; ~~the house of representatives, appointed by the speaker; and the senate, appointed by the president of the senate; with the remaining four~~
 - c. Four members to be selected by the dean of the university of North Dakota medical school from the four campus areas of the medical school with headquarters in Bismarck, Fargo, Grand Forks, and Minot. One member from each quadrant will be selected by the board to serve a three year term with a two term limit. The initial appointments must be staggered.
3. The representatives named by the state agencies and boards ~~above referred to~~ must be selected to serve as members of the medical center advisory council for periods of at least one year, but ~~in no instance~~ they not serve longer than their term of office on the public agency. The representatives from the North Dakota state medical association and the North Dakota hospital healthcare associations ~~shall~~ serve a term of three years or until their successors are named and qualified. ~~The two members appointed by the governor shall serve for three year terms as representatives of the public at large.~~
4. The council shall name its own chairman and the dean of the university of North Dakota medical school shall serve as executive secretary ~~thereof of~~ the council. The council shall meet not less than twice each year, and, from time to time, on its own motion or upon request of the university administration, to consider plans and programs of action for the North Dakota state medical center and make its recommendations ~~thereon~~ to the several agencies of the state and its political subdivisions involved and to the legislative assembly."

Page 2, remove lines 1 through 18

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2308, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (16 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2308 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2319, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

PASS (19 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2319 was placed on the Sixth order on the calendar.

Page 3, line 20, replace "Every person that receives money from the" with "The"

Page 3, line 21, remove "under this Act" and remove "senate agriculture committee of the"

Page 3, line 22, replace "regarding" with "the persons receiving funds under this Act,"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment provides for the Agriculture Commissioner to report to the Fifty-ninth Legislative Assembly on the persons receiving funds for control and eradication of saltcedar.

REPORT OF STANDING COMMITTEE

SB 2334, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2334 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "shall" with "may"

Page 1, line 6, replace "shall" with "may"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2339, as engrossed: 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). Engrossed SB 2339 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to provide for a"

Page 1, line 2, remove "continuing appropriation;"

Page 1, line 4, remove "- **Continuing**"

Page 1, line 5, remove "**appropriation**"

Page 1, line 17, replace "in accordance with fee" with "of ten dollars"

Page 1, line 18, remove "schedules established by the department"

Page 1, line 22, replace "are appropriated to the department on a continuing" with "may be spent pursuant to legislative appropriation"

Page 1, line 23, remove "basis"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - Specifies the amount of the travel permit fee at \$10, removes the continuing appropriation, and provides that the funds be spent pursuant to legislative appropriation.

REPORT OF STANDING COMMITTEE

SB 2417: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (22 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2417 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4005: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4005 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4016: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4016 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4018: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4018 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4022: Natural Resources Committee (Rep. Nelson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4022 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "have" with "assert"

Renumber accordingly

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Seventh, Ninth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, March 24, 2003, which motion prevailed.

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

BRADLEY C. FAY, Chief Clerk

