

## JOURNAL OF THE HOUSE

## Fifty-eighth Legislative Assembly

\* \* \* \* \*

Bismarck, January 21, 2003

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

The prayer was offered by Rev. Greg Runyon, Church of Acts, Bismarck.

The roll was called and all members were present except Representatives Bernstein, Herbel, Kerzman, and Price.

A quorum was declared by the Speaker.

## MOTION

**REP. KLEMIN MOVED** that a committee of two be appointed to escort Ronald F. Conley, National Commander of the American Legion to the rostrum, which motion prevailed. The Chair appointed Rep. DeKrey and Rep. Metcalf to the escort committee.

**NATIONAL COMMANDER CONLEY** presented his remarks.

As I begin, let me take a moment to introduce members of The American Legion family who are with me today:

The Commander of the North Dakota American Legion, Sebastian Roll, The American Legion Service Officer of the North Dakota American Legion, Jim Demero, The National Executive Committeeman for the American Legion of North Dakota, Curtis Twete.

It is an honor and privilege to stand before you today. On behalf of the 23,000 Legionnaires here in North Dakota and the 2.8 million Legionnaires around the world, I want to thank each of you. You can be proud of your work in supporting veterans throughout the state.

I also commend you for fully supporting a terrific group of highly trained professionals I personally was very happy to see in action - the North Dakota Air National Guard Happy Hooligans!

I was in Washington D.C. on Sept. 11 of 2001 along with Jim Coats and other Legionnaires of North Dakota and I can tell you, watching them flying combat air cover immediately after terrorists slammed into the Pentagon was not only comforting...but made me proud as an American.

By coincidence they just happened to be deployed in the area on that day and were scrambled to be the first unit in the air over our nation's Capitol. So I'm sure you will fund your Army and Air National Guard as a major priority. My hat is off to the Happy Hooligans.

Since I became national commander of the nation's largest veterans organization last August, I have been traveling across the nation visiting VA hospitals to personally assess the care given to our country's veterans.

I'm here to tell you that there are dedicated men and women in the VA healthcare system who are extremely dedicated and caring individuals. But the problem is, the system is underfunded. That translates into fewer staff, longer waits for primary healthcare and tragically, lost infrastructure to provide vital services conveniently for disabled veterans. This is not a major concern for your budget, but a concern for you because Federal Government activates members of your National Guard. These Guardmen and women will become veterans, who and should be entitled to VA healthcare. It is the responsibility of the Federal Government to care for them. That is why the American Legion is conducting a national campaign - "I am not a number" - to place actual faces of veterans to the statistics of long waits.

Over 300,000 veterans are waiting well over 6 months or a year to get a primary care appointment. For some of our aging World War II veterans, those kind of waiting times may be too late. I will be taking their stories and pictures to Washington in March to present them to our federal lawmakers.

I am going to ask them to pass legislation that will make funding of the VA healthcare system mandatory, rather than discretionary. I hope you agree...the men and women who served our nation when called, deserve no less.

Here in North Dakota our veterans are blessed. Ray Harkema, your state Director of Veterans Affairs, is one of the very best. He can always be counted on to ensure veterans statewide get the services they need. I urge you to continue to ensure the North Dakota Dept. of Veterans Affairs will have the funding it needs to be there for those who have served in our armed forces. I also want to commend you on your support of your State Veterans Home. One recognized for quality care, even as other concerns are being addressed.

As a nation at war - a war that might intensify soon in Iraq, we continue to make more veterans. The sacrifices made by the men and women in today's armed forces are clearly, above and beyond the call of duty. In addition to long deployments and family separations, they face combat with individuals who not only hate them...they hate America.

Young men and women from North Dakota and across the nation, our sons, daughters, neighbors, and grandchildren, as I speak; are defending our interests in the caves and deserts of hostile lands.

Some may never return. All of them are truly America's heroes.

I thank you for supporting the veterans of North Dakota...of wars past and present. I hope that you honor their service by ensuring veterans preference in job bills.

Additionally, let me suggest another area in which you can make a real difference in the lives of North Dakotans called to active duty from the Guard and Reserve. It is no secret that more call ups are coming. Anything you can do in the area of tax relief for these dedicated Americans and employers who subsidized their pay would be of tremendous help to them. Many take a serious cut in pay when they leave their civilian jobs to fight in the war on terrorism. Believe me, your effort in this area would pay big dividends.

I thank you also for your support of North Dakota's veterans cemeteries, a last tribute to their commitment to service.

In an uncertain world, there is one thing certain about the people in North Dakota and their elected officials. They are proud Americans who understand values.

North Dakota was one of the first states to pass a "Memorializing Resolution" supporting an amendment to the U.S. Constitution to restore to Congress the right to protect the U.S. Flag from physical acts of desecration. I am aware that you are ready to act once again when the U.S. House and U.S. Senate pass it in the 108th Congress and send it here for ratification. It is my belief that once the proposal finally gets to the states - it will become the quickest amendment ever ratified - and rightfully so.

And finally, if any of you are wartime veterans, I just happen to have American Legion application forms in my pocket. We would love to have you join us.

I thank you for all that you do for North Dakota, it's veterans and their families. May God bless you as you continue the work of the people in these trying times.

#### **MOTION**

**REP. MONSON MOVED** that Commander Conley's remarks be printed in the journal, which motion prevailed.

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

**REP. BERG MOVED** that the amendments on the Sixth order of business to HB 1087, HB 1104, HB 1122, HB 1138, HB 1142 and HB 1176 be adopted, which motion prevailed.

HB 1087, HB 1104, HB 1122, HB 1138, HB 1142 and HB 1176, as amended, were placed on the Eleventh order of business on the calendar.

#### **MOTION**

**REP. BERG MOVED** that HB 1373 be returned to the House floor from the **Government and Veterans Affairs Committee** for the purpose of withdrawal, which motion prevailed.

#### **MOTION**

**REP. BERG MOVED** that HB 1362 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1362 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1029:** A BILL for an Act to amend and reenact section 37-15-14.1 of the North Dakota Century Code, relating to the veterans' home membership contribution; and to declare an emergency.

**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; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Bernstein; Herbel; Kerzman; Price

HB 1029 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1031:** A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to department of transportation cooperative agreements with counties or cities.

**ROLL CALL**

The question being on the 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; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gullerson; Haas; Hanson; Hawken; Headland; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Grosz; Iverson; Thorpe

**ABSENT AND NOT VOTING:** Bernstein; Herbel; Klein, F.; Price

HB 1031 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1033:** A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to high school graduation requirements; to amend and reenact section 15.1-23-17 of the North Dakota Century Code, relating to high school graduation requirements for students receiving home education; 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 72 YEAS, 18 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlisle; Clark; DeKrey; Delmore; Dosch; Drovda; Eckre; Ekstrom; Froseth; Glassheim; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemmin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Schmidt; Solberg; Svedjan; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

**NAYS:** Brusegaard; Carlson; Delzer; Devlin; Froelich; Galvin; Grande; Iverson; Kasper; Kerzman; Ruby; Sandvig; Sitte; Skarphol; Thoreson; Weiler; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Bernstein; Herbel; Price; Severson

HB 1033 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1062:** A BILL for an Act to amend and reenact subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to width limits and the movement of implements of husbandry.

### 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; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemmin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**ABSENT AND NOT VOTING:** Bernstein; Galvin; Herbel; Price

HB 1062 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1066:** A BILL for an Act to provide for the continuation of an agricultural pesticide and pesticide container disposal program; 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 67 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Boe; Boehning; Boucher; Carlisle; Clark; Delmore; Devlin; Dosch; Eckre; Ekstrom; Froelich; Froseth; Glassheim; Gulleson; Haas; Hanson; Headland; Hunskor; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemmin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Thorpe; Tieman; Timm; Uglem; Warner; Warnke; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

**NAYS:** Bellew; Berg; Brusegaard; Carlson; DeKrey; Delzer; Drovda; Galvin; Grande; Grosz; Hawken; Iverson; Johnson, N.; Kasper; Klein, F.; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Wald; Weiler; Weisz; Wieland

**ABSENT AND NOT VOTING:** Bernstein; Herbel; Price

HB 1066 passed and the title was agreed to.

\*\*\*\*\*

**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 2062, SB 2082, SB 2124.

**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 1124.

**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 1083, HB 1165.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Reps. Mueller, D. Johnson, Nicholas and Sens. Fischer, Flakoll, Nichols introduced:

**HCR 3021:** A concurrent resolution urging the United States Department of Agriculture not to preempt states' rights to regulate grain merchandising activities at grain warehouses that are licensed under the United States Warehouse Act, and further urging Congress to take corrective action if the United States Department of Agriculture is unwilling or unable to take corrective action.

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

Reps. Severson, DeKrey, Monson and Sen. Klein introduced:

**HCR 3022:** A concurrent resolution establishing an official state wind power development objective of 10,000 megawatts of installed turbine capacity to be achieved by the year 2020 and directing all state departments, agencies, and commissions to adopt this official objective for planning and policy development purposes.

Was read the first time and referred to the **Natural Resources Committee**.

Reps. Warnke, Delmore, Wald and Sens. Andrist, Krebsbach introduced:

**HCR 3023:** A concurrent resolution directing the Legislative Council to study the desirability and feasibility of establishing a school of dentistry at the University of North Dakota.

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

Reps. Warnke, Brusegaard, Delmore, N. Johnson and Sens. Bowman, Lindaas introduced:

**HCR 3024:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a school of veterinary science within the North Dakota University System.

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

Reps. Price, Devlin, Weisz and Sens. Fischer, Holmberg, J. Lee introduced:

**HCR 3025:** A concurrent resolution urging Congress to make immediate changes in those Medicare policies that discriminate against senior citizens who reside in rural states and to implement national benefit and service provider policies that are more uniform in their application.

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

Rep. Monson and Sen. Trenbeath introduced:

**HCR 3026:** A concurrent resolution directing the Legislative Council to study the use of E85 fuel by the state.

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

Reps. Hunsakor, Froelich, Haas, Metcalf and Sens. Nething, Nichols introduced:

**HCR 3027:** A concurrent resolution urging the Superintendent of Public Instruction, all North Dakota school district superintendents, and the boards of all North Dakota school districts to work with local, state, and federal military and veterans organizations to observe and promote Veterans Day by developing and disseminating to students in the elementary and secondary schools of this state educational materials that strengthen students' awareness of the contributions and sacrifices made by veterans so that freedom can be enjoyed by everyone.

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

**REPORT OF DELAYED BILLS COMMITTEE**

**MADAM SPEAKER:** Your **Delayed Bills Committee (Rep. Berg, Chairman)** has approved the introduction of a bill for an Act to create and enact sections 45-11-02.1, 45-11-10, 47-25-02.1, and 47-25-08 of the North Dakota Century Code, relating to electronic filing of

partnership fictitious name certificates and electronic filing of trade name registrations with the secretary of state; and to amend and reenact sections 45-11-04.1, 45-11-08.1, 47-25-03, 47-25-04, and 47-25-06 of the North Dakota Century Code, relating to fictitious name certificates and trade name registrations.

The bill will be HB 1498.

**REPORT OF DELAYED BILLS COMMITTEE**

**MADAM SPEAKER:** Your **Delayed Bills Committee (Rep. Berg, Chairman)** has approved the introduction of a bill for an Act to amend and reenact sections 57-39.2-04.1 and 57-40.2-04.1 of the North Dakota Century Code, relating to imposition of sales and use taxes on certain prepared foods; and to provide an effective date.

The bill will be HB 1499.

**REPORT OF DELAYED BILLS COMMITTEE**

**MADAM SPEAKER:** Your **Delayed Bills Committee (Rep. Berg, Chairman)** has approved the introduction of a bill for an Act to amend and reenact subsection 1 of section 19-03.1-01.1, subsection 1 of section 43-05-01, subsection 1 of section 43-05-02, and subsection 1 of section 43-46-01 of the North Dakota Century Code, relating to replacement of the board of podiatric medicine with the state board of medical examiners; to repeal section 43-05-03, 43-05-04, 43-05-05, 43-05-06, and 43-05-07 of the North Dakota Century Code, relating to the board of podiatric medicine; and to provide for transition.

The bill will be HB 1500.

**REPORT OF STANDING COMMITTEE**

**HB 1025: Political Subdivisions Committee (Rep. Froseth, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1025 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1034: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1034 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 15.1-07 of the North Dakota Century Code, relating to school district demographics and planning."

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

**SECTION 1.** A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

**School district demographics - Long-term planning process.**

1. Between January first and June thirtieth of every even-numbered year, the board of each school district shall invite the public to participate in a planning process addressing the effects that demographics might have on the district in the ensuing five-year and ten-year periods, and specifically addressing potential effects on:
  - a. Academic, athletic, and extracurricular programs;
  - b. Instructional and administrative staffing;
  - c. Facility needs and utilization; and
  - d. District tax levies.
2. At the conclusion of the planning process, the board shall prepare a report, publish a notice in the official newspaper of the district indicating that the report is available, and make the report available upon request."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1036: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1036 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection" with "subsections 1 and" and remove the comma

Page 1, line 5, replace "Subsection" with "Subsections 1 and"

Page 1, line 6, replace "is" with "are" and after the colon insert:

- "1. The court shall set a time and place for a hearing on the petition for relinquishment. A guardian ad litem must be appointed for the child at least seven days prior to the hearing. The hearing may not be held sooner than forty-eight hours after the child's birth or the signing of all necessary consents to adoption, whichever is later. If a ~~preplacement~~ report of a child-placing agency is filed with the petition pursuant to section 14-15.1-04, the court may enter a temporary order placing the child with the identified adoptive parent pending the hearing."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1044: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1044 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "and", replace "sections" with "section", and after the third "and" insert "subsections 1 and 4 of section"

Page 1, line 4, after "services" insert "; to provide a report to the legislative council; to provide for transition; and to provide an effective date"

Page 2, line 15, replace "Section" with "Subsection 1 of section"

Page 2, remove lines 17 through 19

Page 3, remove lines 7 through 31

Page 4, replace lines 1 through 13 with:

**"SECTION 3. AMENDMENT.** Subsection 4 of section 29-07-01.1 of the North Dakota Century Code is amended and reenacted as follows:"

Page 4, line 16, remove the overstrike over "All" and remove "Fifty percent of the"

Page 4, line 19, overstrike "and" and remove "fifty percent of the moneys in the fund are appropriated on a continuing"

Page 4, line 20, remove "basis to the judicial branch to be used for" and overstrike "the collection of indigent defense costs"

Page 4, line 21, overstrike "and expenses required to be reimbursed under this section"

Page 4, line 25, replace "and" with an underscored comma, after "implement" insert ", and administer", and after "for" insert "all or a part of"

Page 4, line 28, after the underscored period insert "In addition to or in combination with contracting for legal counsel services and within the limits of available funding, the office of administrative hearings may employ indigent defense counsel on a full-time or part-time basis to provide legal services for indigents."

Page 4, line 29, replace "and" with an underscored comma and after "implement" insert ", and administer"

Page 5, line 3, after "establish" insert "and administer"

Page 5, after line 5, insert:

**"SECTION 5. REPORT TO LEGISLATIVE COUNCIL.** During the 2003-04 interim, the office of administrative hearings shall report to the legislative council regarding its progress in the implementation of this Act.

**SECTION 6. TRANSITION.** All contracts for indigent defense services awarded by the supreme court after June 30, 2003, must expire no later than December 31, 2003.

**SECTION 7. EFFECTIVE DATE.** Sections 1, 2, and 4 of this Act become effective on January 1, 2004.

**SECTION 8. EFFECTIVE DATE.** Section 3 of this Act becomes effective on July 1, 2003. The office of administrative hearings may use moneys appropriated to the office for the biennium beginning July 1, 2003, and ending June 30, 2005, to prepare for the implementation of contracting for indigent defense services required under section 4 of this Act so that the process may be established and implemented by January 1, 2004."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1051: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1051 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "exempting" with "the confidentiality of" and remove "from open records"

Page 1, line 3, remove "requirements"

Page 1, line 7, remove "and draft audit reports" and remove the overstrike over "**Confidential**"

Page 1, line 8, remove "Exemption from open records requirements - Confidentiality" and remove "and draft"

Page 1, line 9, remove "audit reports"

Page 1, line 11, after the second comma insert "draft audit reports."

Page 1, line 12, remove "and draft audit reports"

Page 1, line 14, remove "and exempt from section 44-04-18"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1058: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1058 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1079: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1079 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1088: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1088 was placed on the Sixth order on the calendar.

Page 1, line 11, remove the overstrike over "~~eighty~~" and remove "~~ninety~~"

Page 2, line 3, overstrike "sixty-five" and insert immediately thereafter "fifty-five"

Page 4, line 5, replace "dispersed" with "disbursed"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1109: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1109 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1153: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1153 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1156: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1156 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1312: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1312 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1313: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1313 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1315: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1315 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1326: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1326 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1331: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1331 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1342: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1342 was placed on the Eleventh order on the calendar.

**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, and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, January 22, 2003, which motion prevailed.

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

**BRADLEY C. FAY, Chief Clerk**

