

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

Bismarck, March 2, 2005

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

The prayer was offered by Pastor Dale Nabben, Missouri Slope Lutheran Care Center, Bismarck.

The roll was called and all members were present except Representatives Belter, Dosch, Keiser, and Zaiser.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Thirty Seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 860, remove lines 23 through 30 and replace it with:

"REPORT OF STANDING COMMITTEE

SB 2113: Natural Resources Committee (Rep. Nelson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2113 was placed on the Sixth order on the calendar."

Page 1, line 5, after "hunting" insert "and fishing"

Renumber accordingly

REP. KRETSCHMAR MOVED that the report be adopted, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

REP. R. KELSCH: Mr. Speaker: I rise on a point of personal privilege.

MOTION

REP. MONSON MOVED that the remarks of Rep. R. Kelsch be printed in the Journal, which motion prevailed.

PROCLAMATION

Whereas, the citizens of North Dakota stand firmly committed to promoting reading as the catalyst for our students' future academic success, their preparation for America's jobs of the future, and their ability to compete in a global economy; and

Whereas, the citizens of North Dakota understand the importance of community involvement in the education of our children and youth and that educational investment is in the best interest of the community's well-being and long-term quality of life; and

Whereas, NEA's Read Across America, a national celebration of Dr. Seuss' birthday on March 2, promotes reading and adult involvement in the education of North Dakota's children:

Now, therefore, the North Dakota House of Representatives hereby proclaims March 2, 2005, as **READ ACROSS NORTH DAKOTA DAY BECAUSE**

YOU'RE NEVER TOO OLD, TOO WACKY, OR TOO WILD
TO PICK UP A BOOK AND READ TO A CHILD!

POINT OF PERSONAL PRIVILEGE

REP. GRANDE: Mr. Speaker: I rise on a point of personal privilege.

REQUEST

REP. BERNSTEIN REQUESTED that her remarks be printed in the Journal, which request was granted.

Mr. Speaker and Members of the Assembly:

Last night Fargo/Moorhead held an open house called the "Community Toolbox to Fight Meth". Organizers had hoped the three hour long informational gathering would bring in 500+ people, but within the first hour over 3000 people had arrived with the numbers rising to between 4.5 and 5000 people.

There were plenary sessions in the areas of

1. Dealing with meth activity.
2. Meth 101.
3. A perspective on meth from someone who has been there.
4. Hidden costs/big losses.

The community toolbox provided videos, informational booths, law enforcement, health officials and treatment opportunities all designed to build awareness to this epidemic.

Drug stereotypes of the past does not hold true anymore since meth crosses every age range and economic status.

The communities of North Dakota can look to this model and work to inform all citizens of the ways to fight the meth problems in this state. Thank you.

SIXTH ORDER OF BUSINESS

SPEAKER KLEIN DEEMED approval of SB 2061 SB 2078, SB 2113, SB 2125, SB 2163, SB 2182 and SB 2345.

SB 2061, SB 2078, SB 2113, SB 2125, SB 2163, SB 2182 and SB 2345, as amended, were placed on the Fourteenth order of business on the calendar.

MOTION

REP. PORTER MOVED that the House reconsider its action whereby Engrossed SB 2155 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2155: A BILL for an Act to create and enact a new section to chapter 61-01 of the North Dakota Century Code, relating to findings and declaration of policy of the legislative assembly concerning the use of ground water for irrigation.

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 85 YEAS, 5 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Gulleason; 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; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

NAYS: Bellew; Carlson; Galvin; Ruby; Skarphol

ABSENT AND NOT VOTING: Belter; Dosch; Keiser; Zaiser

Engrossed SB 2155 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that SCR 4017 be returned to the House floor from the **Agriculture Committee**, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4017: A concurrent resolution urging Congress not to ratify the Central American Free Trade Agreement until Congress can guarantee the citizens of this state and this country that the domestic sugar industry will not suffer economic harm as a result of the agreement's provisions.

Was read the first time.

MOTION

REP. MONSON MOVED that the rules be suspended, that SCR 4017 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. Thane, Lindaas, Tallackson and Reps. Belter, Wall, Williams introduced:

ENGROSSED SENATE CONCURRENT

A concurrent resolution urging Congress not to ratify the Central American Free Trade Agreement until Congress can guarantee the citizens of this state and this country that the domestic sugar industry will not suffer economic harm as a result of the agreement's provisions.

WHEREAS, the Central American Free Trade Agreement, also known as the CAFTA, is a proposed agreement between the United States and the Central American nations of Guatemala, El Salvador, Honduras, Costa Rica, the Dominican Republic, and Nicaragua; and

WHEREAS, the office of the United States Trade Representative termed the CAFTA "a historic agreement that will eliminate tariffs and trade barriers and expand regional opportunities for the workers, manufacturers, consumers, farmers, ranchers, and service providers of all the countries"; and

WHEREAS, the CAFTA would immediately raise Central American sugar exports, thereby jeopardizing most of the sugar-producing regions in this country, including the Red River Valley and western North Dakota in this state; and

WHEREAS, the sugar beet industry provides income to many residents and infuses capital into the local, regional, and state economies; and

WHEREAS, the CAFTA will cause a significant reduction in the income of this state's sugar beet producers;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Fifty-ninth Legislative Assembly urges the Congress of the United States not to ratify the Central American Free Trade Agreement until Congress can guarantee the citizens of this state and this country that the domestic sugar industry will not suffer economic harm as a result of the agreement's provisions; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the United States Trade Representative, each member of the Montana Congressional Delegation, any member of the Minnesota Congressional Delegation who serves constituents along the border between North Dakota and Minnesota, and to each member of the North Dakota Congressional Delegation.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4017: A concurrent resolution urging Congress not to ratify the Central American Free Trade Agreement until Congress can guarantee the citizens of this state and this country that the domestic sugar industry will not suffer economic harm as a result of the agreement's provisions.

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

SCR 4017 was declared adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2062: A BILL for an Act to amend and reenact sections 15.1-09-33, 15.1-09-48, and 15.1-09-50 of the North Dakota Century Code, relating to powers of the board of education of the city of Fargo.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 2 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; 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; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

NAYS: Boe; Skarphol

ABSENT AND NOT VOTING: Belter; Dosch; Herbel; Keiser; Zaiser

Engrossed SB 2062 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2199: A BILL for an Act to amend and reenact section 28-01-46 of the North Dakota Century Code, relating to expert opinion required in certain civil cases.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; 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; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglen; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Belter; Dosch; Keiser; Zaiser

Engrossed SB 2199 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2196: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to an optional contribution by individual income taxpayers for programs and activities conducted by the silver-haired education association; to provide an appropriation; to provide a continuing appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 41 YEAS, 49 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Carlisle; Conrad; Delmore; Drovdal; Ekstrom; Froelich; Glassheim; Gulleon; Hanson; Hawken; Hunskor; Johnson, D.; Kaldor; Kelsh, S.; Kempenich; Kerzman; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Potter; Sandvig; Schmidt; Solberg; Thorpe; Wall; Williams

NAYS: Bellew; Berg; Bernstein; Boehning; Brandenburg; Brusegaard; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Froseth; Galvin; Grande; Haas; Headland; Herbel; Horter; Iverson; Johnson, N.; Kasper; Kelsch, R.; Kingsbury; Klemin; Koppelman; Kreidt; Monson; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglen; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Belter; Dosch; Keiser; Zaiser

Engrossed SB 2196 lost.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HCR 3009.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HB 1027, HB 1078, HB 1080, HB 1099, HB 1111, HB 1129, HB 1131, HB 1167, HB 1223, HB 1247, HB 1300, HB 1340, HB 1392, HB 1492, HB 1519.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1062, HB 1092, HB 1094.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1062
Page 1, line 13, after "posts" insert "a majority of the acres owned and operated by" and replace "person's land" with "person"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1092
Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to repeal section 54-44.4-08 of the North Dakota Century Code, relating to the purchase of recycled paper products by state agencies and institutions."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 54-44.4-08 of the North Dakota Century Code is repealed."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1094
In lieu of the amendments adopted by the Senate as printed on page 656 of the Senate Journal, House Bill No. 1094 is amended as follows:

Page 1, line 10, after "sales" insert ", up to fifteen thousand dollars per biennium,"

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 1139.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has failed to pass: HB 1109.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1266.

SENATE AMENDMENTS TO HOUSE BILL NO. 1266
Page 1, line 3, remove the first "and"

Page 1, line 6, after "plan" insert "; and to declare an emergency"

Page 2, after line 12, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

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

MR. SPEAKER: The President has signed: HCR 3020.

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 2043, SB 2085, SB 2086, SB 2091, SB 2095, SB 2110, SB 2114, SB 2128, SB 2136, SB 2142, SB 2173, SB 2218.

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

MR. SPEAKER: The President has signed: HB 1066, HB 1068, HB 1081, HB 1083, HB 1084, HB 1093, HB 1100, HB 1102, HB 1117, HB 1128, HB 1137, HB 1162, HB 1180, HB 1237, HB 1264, HB 1355, HB 1412.

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

MR. SPEAKER: The Senate wishes to inform the House that the Senate has voted to amend Joint Rule 203-2 to read "forty-third" in place of "fortieth", thereby extending the deadline for transmitting resolutions to the House.

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

MR. PRESIDENT: The House has passed unchanged: SB 2040, SB 2057, SB 2072, SB 2088, SB 2089, SB 2092, SB 2093, SB 2097, SB 2100, SB 2106, SB 2107, SB 2108, SB 2124, SB 2126, SB 2140, SB 2154, SB 2156, SB 2161, SB 2165, SB 2171, SB 2176, SB 2185, SB 2207, SB 2276.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4017.

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

MR. PRESIDENT: The House has failed to pass: SB 2264.

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

MR. PRESIDENT: The Speaker has signed: SB 2029, SB 2030, SB 2034, SB 2035, SB 2045, SB 2068, SB 2070, SB 2080, SB 2081, SB 2083, SB 2084, SB 2103, SB 2104, SB 2105, SB 2123, SB 2131, SB 2135, SB 2148.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on March 2, 2005: HCR 3020.

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., Thursday, March 3, 2005, which motion prevailed.

FIRST READING OF HOUSE BILLS

Reps. Berg, N. Johnson and Sens. Stenehjem, Klein, Mutch introduced:

(Approved by the Delayed Bills Committee)

HB 1523: A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to creation of a legislative council workers' compensation review committee; and to provide an expiration date.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Berg, Boucher introduced:

(Approved by the Delayed Bills Committee)

HB 1524: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance case management services; and to amend and reenact subsection 4 of section 50-06.2-03 and subsection 1 of section 50-24.5-02 of the North Dakota Century Code, relating to the duties of the department of human services with respect to economic assistance case management services.

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

Reps. Clark, Dietrich, S. Kelsh and Sens. Fischer, Flakoll, Grindberg introduced:

(Approved by the Delayed Bills Committee)

HB 1525: A BILL for an Act to amend and reenact sections 40-62-01 and 40-62-03 and subsection 1 of section 40-62-05 of the North Dakota Century Code, relating to city pedestrian mall improvements.

Was read the first time and referred to the **Political Subdivisions Committee**.

REPORT OF STANDING COMMITTEE

HCR 3035: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (3 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HCR 3035 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "the establishment of"

Page 1, line 5, remove "establishments"

Page 1, line 10, replace "general" with "primary"

Page 1, line 22, remove "the establishment of" and remove "establishments."

Page 1, line 23, remove "The internet live poker establishments must be"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3037: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3037 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "primary" with "general"

Page 3, line 13, replace the first "1989" with "1889" and replace the second "1989" with "1889"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3048: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3048 was placed on the Sixth order on the calendar.

Page 1, replace lines 18 through 25 with:

- "2. Fifty percent must be deposited in the foundation aid stabilization fund ~~in the state treasury, the~~ until the balance in the foundation aid stabilization fund is twenty million dollars. Any deposit that would bring the balance in the foundation aid stabilization fund to more than twenty million dollars must be deposited instead in the common schools trust fund. The interest income of which the foundation aid stabilization fund must be transferred to the state general fund on July first of each year. The principal of moneys in the foundation aid stabilization fund may be expended only upon order of the governor; who may direct such a transfer only to offset foundation aid reductions that in state education aid which were made by executive action pursuant to law due to a revenue shortage."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3056: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HCR 3056 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2159: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2159 was placed on the Sixth order on the calendar.

Page 1, line 1, after the first "new" insert "subsection to" and replace "to chapter 50-24.1 and a new section to" with "28-32-03"

Page 1, line 2, remove "chapter 50-29"

Page 1, line 3, after the semicolon insert "to provide an expiration date;"

Page 1, line 6, after "new" insert "subsection to" and replace "to chapter 50-24.1" with "28-32-03"

Page 1, line 8, remove "**Authority to adopt interim final rules.**"

Page 1, line 9, replace "a" with "the" and replace "that emergency rulemaking is necessary and without the" with "required by subsection 2"

Page 1, line 10, remove "approval of the governor", after "eligibility" insert "requirements", and after the second "of" insert "the"

Page 1, line 11, after "assistance" insert "program described in chapter 50-24.1"

Page 1, line 15, replace "A new section to chapter 50-29 of the North Dakota Century Code is" with "**EXPIRATION DATE.** This Act is effective through July 1, 2007, and after that date is ineffective."

Page 1, remove lines 16 through 23

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2166, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2166 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2167: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2167 was placed on the Sixth order on the calendar.

Page 1, line 12, after "bank" insert ", credit union, or any other financial institution"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2170, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2170 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "subdivision b of subsection 5 of section 57-51.1-03" with "sections 38-08.1-01 and 38-08.1-04.1"

Page 1, line 5, replace "an oil extraction tax exemption for incremental production from a tertiary" with "definitions and exploration permit requirements to conduct geophysical exploration"

Page 1, line 6, remove "recovery project"

Page 1, after line 7, insert:

"SECTION 1. AMENDMENT. Section 38-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

38-08.1-01. Definitions. As used in this chapter, unless the context requires otherwise:

1. "Commission" means the industrial commission.
2. "Geophysical exploration" means any method of obtaining petroleum-related geophysical surveys.
3. "Operator of the land" means the surface owner or the surface owner's tenant of the land upon or within one-half mile [.80 kilometer] of the land on which geophysical operations are to be conducted.
4. "Permitting agent" means a person who secures a permit from an operator of the land to conduct geophysical exploration activities.

5. "Person" means and includes any natural person, corporation, limited liability company, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or other representative of any kind, and includes any department, agency, or instrumentality of the state or of any governmental subdivision thereof.

SECTION 2. AMENDMENT. Section 38-08.1-04.1 of the North Dakota Century Code is amended and reenacted as follows:

38-08.1-04.1. Exploration permit.

1. Upon filing a complete application for permit to explore pursuant to section 38-08.1-04, the commission may issue to any person desiring to engage in geophysical exploration a "geophysical exploration permit". A person may not engage in geophysical exploration activities in this state without having first obtained a geophysical exploration permit from the commission.
2. The permit must show, at a minimum:
 - a. The name of the person.
 - b. The name and address of the resident agent for service of process.
 - c. That an application to engage in geophysical exploration has been duly filed.
 - d. That a good and sufficient surety bond has been filed by the person, naming the surety company and giving its address.
3. The permit must be signed by the director of the commission's oil and gas division or the director's designee. The permit is valid for one year.
4. Within seven days of initial contact between the permitting agent and the operator of the land, the permitting agent shall provide the operator of the land and each landowner owning land within one-half mile [.80 kilometer] of the land on which geophysical exploration activities are to be conducted a written copy of section 38-08.1-04.1 and chapter 38-11.1.
5. ~~The permitholder~~ permitting agent shall notify the operator of the land at least ~~three~~ seven days ~~prior to~~ before the commencement of any geophysical exploration activity, unless waived by mutual agreement of both parties. The notice must include the approximate time schedule and the location of the planned activity.
- ~~5.~~ 6. The permit or a photostatic copy thereof must be carried at all times by a member of the crew during the period of geophysical exploration and must be exhibited upon demand of the landowner or tenant operator or county or state official.
- ~~6.~~ 7. The permitholder shall notify the county auditor or the auditor's designee at least twenty-four hours, excluding Saturdays and holidays, before the permitholder commences geophysical exploration in the county. Notice must include the approximate time schedule and location of the planned activity."

Page 1, remove lines 16 through 23

Page 2, remove lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2180, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2180 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2189: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (8 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). SB 2189 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2210: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2210 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2297: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2297 was placed on the Sixth order on the calendar.

Page 1, after line 15, insert:

c. Accept funds, services, or other assistance from any source for the purpose of furthering the objectives of the committee.

Page 2, line 14, replace "generate its own" with "may accept funds, services, or other assistance from any source for the purpose of furthering the objectives of the committee"

Page 2, line 15, remove "funding sources"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2342, as reengrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2342 was rereferred to the **Appropriations Committee**.

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

Bradley C. Fay, Chief Clerk