

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

Bismarck, March 17, 2005

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

The prayer was offered by Pastor Steve Johnson, United Methodist Church, Mandan,

The roll was called and all members were present except Representatives Hawken, N. Johnson, and Maragos.

A quorum was declared by the Speaker.

POINT OF PERSONAL PRIVILEGE

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

May those who love us love us
And those who don't love us
May God turn their hearts,
And if He doesn't turn their hearts,
May He turn their ankles,
So we'll know them by their limping.
- - - Irish Prayer

REQUEST

REP. BOUCHER REQUESTED that the remarks of Rep. S. Meyer be printed in the Journal, which request was granted.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 16, 2005, I have signed the following: HB 1070, HB 1112, and HB 1341.

MOTION

REP. MONSON MOVED that SB 2278 be laid over three legislative days, which motion prevailed.

MOTION

REP. MONSON MOVED that Engrossed HB 1527, which is on the eleventh order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, Engrossed HB 1527 was rereferred.

MOTION

REP. MONSON MOVED that SB 2281, which is on the Fourteenth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, SB 2281 was rereferred.

SIXTH ORDER OF BUSINESS

SPEAKER KLEIN DEEMED approval of HB 1529 SB 2006, SB 2008, SB 2032, SB 2087, SB 2164, SB 2168, SB 2179, SB 2213, SB 2216, SB 2217, SB 2266, SB 2297, SB 2378 and SB 2409.

HB 1529, SB 2032, SB 2168, SB 2217 and SB 2409, as amended, were rereferred to the **Appropriations Committee**.

SB 2006, SB 2008, SB 2087, SB 2164, SB 2179, SB 2213, SB 2216, SB 2266, SB 2297 and SB 2378, as amended, were placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2290: A BILL for an Act to amend and reenact subsection 32 of section 20.1-03-12 and sections 20.1-12-04, 20.1-12-05, and 20.1-12-06 of the North Dakota Century Code, relating to the operation and regulation of private shooting preserves.

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 82 YEAS, 8 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Delzer; Dietrich; Drovdal; Froelich; Kerzman; Potter; Svedjan

ABSENT AND NOT VOTING: Boe; Hawken; Johnson, N.; Maragos

Engrossed SB 2290 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2141: A BILL for an Act to amend and reenact subsection 2 of section 20.1-13-07, section 20.1-13.1-07, subsection 5 of section 20.1-13.1-08, and section 20.1-13.1-09 of the North Dakota Century Code, relating to boating under the influence; to provide a penalty; to provide an effective 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 74 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Drovdal; Ekstrom; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Price; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thorpe; Uglem; Vigasaa; Wald; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Bernstein; Delzer; Dosch; Froelich; Froseth; Headland; Kasper; Kerzman; Meier, L.; Meyer, S.; Pollert; Rennerfeldt; Skarphol; Thoreson; Timm; Weiler; Wrangham

ABSENT AND NOT VOTING: Hawken; Johnson, N.; Maragos

Engrossed SB 2141 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2356: A BILL 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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Grande; Gulleson; Haas; Hanson; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; 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; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Bellew; Glassheim; Kingsbury

ABSENT AND NOT VOTING: Hawken; Johnson, N.; Maragos

Engrossed SB 2356 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2375: A BILL for an Act relating to a unified system of licensure and credential qualifications or reciprocity between North Dakota and each state bordering North Dakota.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Hawken; Johnson, N.; Maragos

SB 2375 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2260: A BILL for an Act to create and enact a new chapter to title 15.1 of the North Dakota Century Code, relating to early childhood education.

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 54 YEAS, 37 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Boehning; Boucher; Carlisle; Charging; Conrad; Delmore; Dietrich; Ekstrom; Glassheim; Gulleson; Haas; Hanson; Herbel; Horter; Hunskor; Johnson, D.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klemin; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Solberg; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wall; Weiler; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Bellew; Belter; Bernstein; Boe; Brandenburg; Brusegaard; Carlson; Clark; Damschen; DeKrey; Delzer; Devlin; Dosch; Drovdal; Froelich; Froseth; Galvin; Grande; Headland; Iverson; Kasper; Kempenich; Kerzman; Koppelman; Kreidt; Meier, L.; Monson; Owens; Pietsch; Pollert; Ruby; Sitte; Skarphol; Timm; Wald; Weisz; Wrangham

ABSENT AND NOT VOTING: Hawken; Johnson, N.; Maragos

Engrossed SB 2260 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2121: A BILL for an Act to amend and reenact section 54-44.1-11 of the North Dakota Century Code, relating to unexpended appropriations for roadway maintenance operations; 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 86 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Delzer; Kasper; Ruby

ABSENT AND NOT VOTING: Hawken; Johnson, N.; Maragos; Weisz

Engrossed SB 2121 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2209: A BILL for an Act to amend and reenact subsection 14 of section 49-23-01 of the North Dakota Century Code, relating to the definition of one-call system operators.

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

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

NAYS: Bellew; Brusegaard; Carlson; Delzer; Grande

ABSENT AND NOT VOTING: Hawken; Johnson, N.; Maragos

SB 2209 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2074: A BILL for an Act to create and enact three new sections to chapter 6-09.4 of the North Dakota Century Code, relating to changing the name of the municipal bond bank to the public finance authority and authorizing the authority to issue bonds on behalf of other state bonding entities; and to amend and reenact sections 6-09.4-01, 6-09.4-03, 6-09.4-04, 6-09.4-05, 6-09.4-05.1, 6-09.4-06, 6-09.4-07, 6-09.4-08, 6-09.4-09, 6-09.4-10, 6-09.4-11, 6-09.4-12, 6-09.4-14, 6-09.4-15, 6-09.4-16, 6-09.4-17, 6-09.4-18, 6-09.4-19, 6-09.4-20, 6-09.4-21, 6-09.4-22, 6-09.4-23, 21-02-11, and 21-03-30, subsection 7 of section 26.1-05-19, subdivision I of subsection 2 of section 28-32-01, subsection 9 of section 40-33.3-06, sections 54-01-27 and 54-17-36, subsection 1 of section 61-28.1-12, and subsections 2 and 3 of section 61-28.2-01 of the North Dakota

Century Code, relating to changing the name of the municipal bond bank to the public finance authority and to use of the reserve fund.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Hawken; Johnson, N.; Maragos; Nicholas

SB 2074 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2323: A BILL for an Act to provide an appropriation for a cancer research grant.

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 15 YEAS, 75 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Boe; Clark; Damschen; Delmore; Froelich; Grande; Hanson; Horter; Nelson; Nottestad; Schmidt; Solberg; Thoreson; Thorpe; Uglem

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Conrad; DeKrey; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Gulleson; Haas; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Norland; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Sitte; Skarphol; Svedjan; Timm; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Hawken; Johnson, N.; Maragos; Nicholas

Engrossed SB 2323 lost.

SECOND READING OF SENATE BILL

SB 2351: A BILL for an Act to amend and reenact section 65-05-09.4 of the North Dakota Century Code, relating to workers' compensation additional benefits for retired injured employees; and to provide for application.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Hawken; Johnson, N.; Maragos

Engrossed SB 2351 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to HB 1064 as printed on HJ page 842, which motion prevailed on a voice vote.

HB 1064, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1064: A BILL for an Act to amend and reenact section 27-08.1-04 of North Dakota Century Code, relating to the awarding of attorney's fees in cases removed from small claims court to district court.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 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; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Belter; Hawken; Johnson, N.; Maragos; Nelson; Wrangham

HB 1064 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to HB 1086 as printed on HJ page 833, which motion prevailed on a voice vote.

HB 1086 was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1086: A BILL for an Act to amend and reenact section 62.1-02-04 of the North Dakota Century Code, relating to a private security officer's possession of a firearm in a retail liquor establishment or gaming site; 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 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; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Hawken; Johnson, N.; Maragos; Nelson; Wrangham

Engrossed HB 1086 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to Engrossed HB 1178 as printed on HJ page 832, which motion prevailed on a voice vote.

Engrossed HB 1178 was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1178: A BILL for an Act to amend and reenact sections 26.1-26.6-01, 26.1-26.6-02, 26.1-26.6-03, 26.1-26.6-04, 26.1-26.6-05, 26.1-26.6-06, 26.1-26.6-07, 26.1-26.6-08, and 26.1-26.6-09 of the North Dakota Century Code, relating to bail bond agents.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 3 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

NAYS: Brusegaard; Devlin; Vigesaa

ABSENT AND NOT VOTING: Berg; Dietrich; Gulleson; Hawken; Johnson, N.; Maragos; Price; Wrangham

Engrossed HB 1178 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NELSON MOVED that the House do concur in the Senate amendments to HB 1193 as printed on HJ page 887, which motion prevailed on a voice vote.

HB 1193, as amended, was placed on the Eleventh order of business.

MOTION

REP. MONSON MOVED that HB 1193 be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to HB 1211 as printed on HJ page 832, which motion prevailed on a voice vote.

HB 1211, as amended, was placed on the Eleventh order of business.

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, fourteenth, and sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Friday, March 18, 2005, which motion prevailed.

HOUSE MEMORIAL SERVICE

REP. BERG MOVED that the House be on a Special Order of Business, which motion prevailed.

Invocation

Rep. Ole Aarsvold

Musical Selection

"Battle Hymn of the Republic"

by Bismarck-Mandan Elks Men's Chorus

Poem

Rep. Kathy Hawken

MOTION

REP. BERG MOVED that the House be on the 9th Order of business, First Reading of House Bills and Resolutions, which motion prevailed.

FIRST READING OF HOUSE MEMORIAL RESOLUTION

Memorial Resolutions Committee introduced:

HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.

Was read the first time.

MOTION

REP. BERG MOVED that the rules be suspended, that HMR 7001 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.

Memorial Resolutions Committee introduced:

HOUSE MEMORIAL RESOLUTION NO. 7001

A memorial resolution for deceased members of the House of Representatives of North Dakota.

WHEREAS, God has welcomed to their eternal home our former colleagues:

Archie Borstad, who served in the 39th Legislative Assembly, from District 20, died November 23, 2003;

Linda Christenson, who served in the 54th and 55th Legislative Assemblies, from District 18, died July 28, 2004;

James O. Coats, who served in the 52nd through the 55th Legislative Assemblies, from District 34, died January 28, 2005;

Walter C. Erdman, who served in the 48th Legislative Assembly, from District 6, died September 25, 2004;

Ivan Erickson, who served in the 27th Legislative Assembly and in the 30th through the 34th Legislative Assemblies, from District 40, died February 5, 2005;

Kenneth Erickson, who served in the 41st and 42nd Legislative Assemblies, from District 26, died May 12, 2003;

Frances V. Froeschle, who served in the 39th Legislative Assembly, from District 9, died April 8, 2004;

Donald Giffey, who served in the 37th through the 39th Legislative Assemblies, from District 46, and in the 40th through the 42nd Legislative Assemblies, from District 8, died August 22, 2004;

Glen Goodman, who served in the 38th Legislative Assembly, from District 18, and in the 40th and 41st Legislative Assemblies, from District 10, died February 22, 2005;

Glenn Henning, who served in the 41st and 42nd Legislative Assemblies, from District 6, died February 26, 2003;

Thelmer Ivesdal, who served in the 39th Legislative Assembly, from District 21, died January 17, 2005;

James W. Kennelly, who served in the 46th Legislative Assembly, from District 45, died March 3, 2004;

Herman Larson, who served in the 46th and 47th Legislative Assemblies, from District 7, died February 7, 2004;

Joe B. Leibhan, who served in the 40th and 41st Legislative Assemblies, the 43rd and 44th Legislative Assemblies, and the 46th Legislative Assembly, from District 12, died February 22, 2004;

Harold T. Morrison, who served in the 27th and 28th Legislative Assemblies, from District 35, died February 15, 2004;

Corliss Mushik, who served in the 42nd Legislative Assembly and the 44th through the 48th Legislative Assemblies, from District 34, died July 4, 2004;

Fred E. Nagel, who served in the 47th Legislative Assembly, from District 33, died October 6, 2003;

Curtis Olson, who served in the 27th through the 29th Legislative Assemblies, from District 15, died October 15, 2004;

Bill Pietsch, who served in the 57th Legislative Assembly, from District 22, died July 15, 2004;

Robert F. Reimers, who served in the 37th through the 39th Legislative Assemblies, from District 23, and in the 40th through the 44th Legislative Assemblies, from District 29, died September 3, 2003;

Richard Rocheleau, who served in the 42nd Legislative Assembly, from District 12, and in the 44th and 45th Legislative Assemblies, from District 7, died February 22, 2004;

Leland Roen, who served in the 32nd through the 34th Legislative Assemblies, from District 39, died May 22, 2003;

Dale C. Severson, who served in the 56th through the 58th Legislative Assemblies, from District 23, died November 4, 2003;

Thomas R. Stallman, who served in the 36th through the 39th Legislative Assemblies, from District 37, died September 30, 2004;

Elmer Strand, who served in the 34th Legislative Assembly and in the 36th Legislative Assembly, from District 8, died July 17, 2004;

Willard Strege, who served in the 34th Legislative Assembly and in the 36th Legislative Assembly, from District 37, died July 1, 2003;

Janet Wentz, who served in the 44th Legislative Assembly, from District 5; in the 45th through the 52nd Legislative Assemblies, from District 41; and in the 53rd through the 58th Legislative Assemblies, from District 3, died September 15, 2003;

Carl A. White, who served in the 41st and 42nd Legislative Assemblies, from District 21, died January 23, 2004; and

WHEREAS, we now pause to mourn the passing of our former House colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

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

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the House of Representatives and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased representatives.

SECOND READING OF HOUSE MEMORIAL RESOLUTION

HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.

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

HMR 7001 was declared adopted on a voice vote.

Memorial Resolution

Rep. Lois Delmore

Rep. Gil Herbel

Secretary of State Al Jaeger

Solo

Rep. Tom Brusegaard

"Go Rest High on that Mountain"

Benediction

Rep. Ole Aarsvold

Musical Selection

Bismarck-Mandan Elks Men's Chorus

"How Great Thou Art"

MOTION

REP. BERG MOVED that we dissolve the special order of business and end today's business.

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

MR. PRESIDENT: The House has passed unchanged: SB 2074, SB 2158, SB 2162, SB 2209, SB 2260, SB 2351, SCR 4031, SCR 4032.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2121.

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 1525, HB 1528.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2205, SB 2237, SB 2256, SB 2282, SB 2290, SB 2324, SB 2356, SB 2375.

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

MR. PRESIDENT: The House has failed to pass: SB 2240, SB 2242, SB 2332.

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 2141.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2323.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1064, HB 1086, and HB 1178.

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

MR. SPEAKER: The Senate has failed to pass: HB 1251.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4039.

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

MR. SPEAKER: The Senate has amended and subsequently failed: HB 1210, HB 1317.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HB 1041, HB 1052, HB 1091, HB 1156, HB 1241, HB 1263, HB 1413.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1104, HB 1136, HB 1342, HB 1374, HB 1419, HB 1452.

SENATE AMENDMENTS TO HOUSE BILL NO. 1104

Page 1, line 9, overstrike "any" and insert immediately thereafter "the outermost", after "into" insert "the building or facility in which", and after "place" insert "is located"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1136

Page 1, line 1, remove the second "and" and after "39-06.1-14" insert ", subsection 19 of section 39-06.2-02, and subsection 2 of section 39-06.2-10"

Page 1, line 3, replace "and" with a comma and after the second "license" insert ", definition of hazardous material, and disqualification of commercial driving privileges"

Page 2, after line 27, insert:

"SECTION 5. AMENDMENT. Subsection 19 of section 39-06.2-02 of the North Dakota Century Code is amended and reenacted as follows:

19. "~~Hazardous materials~~" ~~has the meaning as that found in section 103 of the Hazardous Materials Transportation Act [49 App. U.S.C. 1801 et seq.]~~ means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR part 73.

SECTION 6. AMENDMENT. Subsection 2 of section 39-06.2-10 of the North Dakota Century Code is amended and reenacted as follows:

2. A person is disqualified for life if convicted of two or more violations of any of the offenses specified in subsection 1, ~~7, 9, or 11~~, or any combination of those offenses, arising from two or more separate incidents. Only offenses committed after July 1, 1989, may be considered in applying this subsection."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1342

Page 1, line 3, after the first comma insert "39-29-12,"

Page 1, line 4, after "vehicles" insert "; and to provide a penalty"

Page 2, line 17, overstrike "a person" and insert immediately thereafter "an individual"

Page 3, line 6, overstrike "a person" and insert immediately thereafter "an individual"

Page 5, line 29, remove "The director may permit a political subdivision or a person acting under authority of"

Page 5, remove lines 30 and 31

Page 6, line 1, remove "4."

Page 6, line 4, remove the overstrike over "4." and remove "5."

Page 6, line 12, overstrike "A person" and insert immediately thereafter "Except in an emergency, an individual may not operate an off-highway vehicle on an interstate or United States highway."

2. An individual"

Page 6, line 14, overstrike "Except in emergencies, a person may not operate an"

Page 6, line 15, remove "off-highway" and overstrike "vehicle within the right of way of any controlled-access"

Page 6, line 16, overstrike "highway" and insert immediately thereafter "An individual may operate a registered off-highway vehicle on the far right-hand side of a gravel, dirt, or loose surface roadway between the period of time of one-half hour before sunrise to one-half hour after sunset"

Page 6, line 17, overstrike "2." and insert immediately thereafter "3."

Page 6, line 28, overstrike "3. A person" and insert immediately thereafter "4. Unless an individual is operating a class 1 off-highway vehicle, an individual"

Page 7, line 4, overstrike "4." and insert immediately thereafter "5."

Page 7, line 8, overstrike "5. A person" and insert immediately thereafter "6. An individual"

Page 7, line 30, overstrike "6." and insert immediately thereafter "7." and overstrike "a person" and insert immediately thereafter "an individual"

Page 8, line 1, overstrike "7." and insert immediately thereafter "8."

Page 8, line 7, overstrike "8. A person" and insert immediately thereafter "9. An individual"

Page 8, line 11, overstrike "9." and insert immediately thereafter "10.", remove "A", and overstrike "person" and insert immediately thereafter "An individual"

Page 8, line 15, overstrike "10." and insert immediately thereafter "11."

Page 8, line 16, replace the underscored comma with "the vehicle" and replace "has a" with "is equipped and recommended by the manufacturer to carry a passenger and the passenger is carried as recommended by the manufacturer"

Page 8, line 17, remove "specific passenger seat with a back rest"

Page 8, line 18, replace "11." with "12." and remove "by this chapter"

Page 8, after line 20, insert:

"SECTION 12. AMENDMENT. Section 39-29-12 of the North Dakota Century Code is amended and reenacted as follows:

39-29-12. Penalties. Violation of subsection 1 of section 39-29-09 is an infraction. Violation of subsection 2 of section 39-29-09 is an infraction for which a fee of fifty dollars must be assessed. Violation of subdivision b, c, or g of subsection 5 of section 39-29-09 is a class B misdemeanor. Violation of any other provision of section 39-29-09 is an infraction for which a fee of twenty dollars must be assessed. Violation of section 39-29-02 is an infraction, for which a fee of fifty dollars must be assessed. If the ~~person~~ individual provides proof of registration since the violation, the fee may be reduced by one-half. Violation of any other provision of this chapter is an infraction, for which a fee of ten dollars must be assessed.

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1374

Page 1, line 11, after "programs" insert "and the state English language proficiency assessment"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1419

Page 2, line 1, remove "upon payment of the fee"

Page 2, remove lines 2 and 3

Page 2, line 4, remove "in the previous year's lottery but who were unsuccessful in harvesting an elk"

Page 2, line 5, after "licenses" insert "in a timely manner"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1452

Page 3, line 11, after "complete" insert "legal"

Page 4, line 12, after "complete" insert "legal"

Renumber accordingly

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

MR. SPEAKER: The Senate has failed to pass: HB 1251, HB 1383.

REPORT OF STANDING COMMITTEE

HB 1526: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1526 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "rules" with "policies and procedures" and after the period insert "The industrial commission may charge fees to participants in the program. The industrial commission shall limit participation in the program so that the cumulative value of the guaranteed portion of the receivables under the program does not exceed five million dollars at any one time."

Page 1, line 15, after "payment" insert "of receivable owing"

Page 1, line 16, after the period insert "Any litigation over a payment dispute must be conducted by the participating businesses and is not the responsibility of the industrial commission or this guaranty program."

Page 1, line 17, remove ", which may borrow"

Page 1, remove lines 18 and 19

Page 1, line 20, remove "payment dispute"

Page 2, line 22, remove "line of credit"

Page 2, line 23, after the period insert "This repayment guarantee must be consistent with the policies and procedures established by the industrial commission to implement this program."

Page 2, line 26, remove "through the line of credit"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1527, as engrossed: 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). Engrossed HB 1527 was placed on the Sixth order on the calendar.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2031: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). SB 2031 was placed on the Sixth order on the calendar.

Page 1, line 2, after "providers" insert "; and to provide for a report to the budget section"

Page 1, after line 8, insert:

"SECTION 2. BUDGET SECTION REPORT. The highway patrol shall provide a report to the budget section after July 1, 2006, regarding the progress and success of the training program provided for in this Act."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2041, as reengrossed: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed SB 2041 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2048: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (9 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2048 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2058, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (20 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2058 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2111: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2111 was placed on the Sixth order on the calendar.

Page 1, line 14, remove the overstrike over "~~Any~~", remove "If any", and remove "is held in a physical location."

Page 1, line 15, remove "the sale", overstrike "single publication of", overstrike "at least" and insert immediately thereafter "published once a week for", and after "two" insert "consecutive"

Page 1, line 16, overstrike "a newspaper" and insert immediately thereafter "four newspapers" and overstrike "county in which the"

Page 1, line 17, overstrike "property is to be sold" and insert immediately thereafter "counties with the four highest populations" and after the period insert "The notice must contain each available name of each owner of the property to be sold."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2138, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2138 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2147, as reengrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2147 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new section to chapter 4-01 and"

Page 1, line 2, after "of" insert "a certified beef program and"

Page 1, after line 5, insert:

"SECTION 1. A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

Certified beef program. The agriculture commissioner may collaborate with the state board of animal health, the North Dakota stockmen's association, North Dakota state university beef systems, and the United States secretary of agriculture to develop a source-verified and process-verified beef marketing program known as the certified beef program."

Page 2, line 23, replace "2" with "3"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2188, 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 2188 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "six-tenths" with "nine-tenths" and after "2005" insert "and eight and three-tenths percent for taxable years after 2005"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2190, as reengrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2190 was placed on the Sixth order on the calendar.

Page 1, line 19, replace the first underscored comma with "or an annuity in which a settlement option has been selected, is"

Page 2, line 5, after "by" insert "the life expectancy tables used by", remove the overstrike over "the department of human services", and remove "a standard"

Page 2, line 6, remove "actuarial life expectancy table on the date of issuance of the annuity"

Page 2, line 14, after "of" insert "subsection 4 if House Bill No. 1248 becomes effective or, if House Bill No. 1248 does not become effective,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2195, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2195 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2215, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2215 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 provide for a legislative council study relating to private sector employers securing health insurance through health insurance pools."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY - PRIVATE SECTOR EMPLOYERS SECURING HEALTH INSURANCE THROUGH HEALTH INSURANCE POOLS. The legislative council shall consider studying, during the 2005-06 interim, the feasibility and desirability of private sector employers and self-employed individuals securing health insurance for permanent and temporary employees or themselves through a health insurance pool. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2236: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2236 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2244: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2244 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2245: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2245 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2259, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2259 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2265: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2265 was placed on the Sixth order on the calendar.

Page 4, replace lines 5 through 21 with:

- "f. A claim relating to injury directly or indirectly caused by the performance or nonperformance of a public duty, including:
- (1) Inspecting, licensing, approving, mitigating, warning, abating, or failing to so act regarding compliance with or the violation of any law, rule, regulation, or any condition affecting health or safety.
 - (2) Enforcing, monitoring, or failing to enforce or monitor conditions of sentencing, parole, probation, or juvenile supervision.
 - (3) Providing or failing to provide law enforcement services in the ordinary course of a political subdivision's law enforcement operations.
 - (4) Providing or failing to provide fire protection services in the ordinary course of a political subdivision's fire protection operations.
- g. "Public duty" does not include action of the political subdivision or a political subdivision employee under circumstances in which a special relationship can be established between the political subdivision and the injured party. A special relationship is demonstrated if all of the following elements exist:
- (1) Direct contact between the political subdivision and the injured party.
 - (2) An assumption by the political subdivision, by means of promises or actions, of an affirmative duty to act on behalf of the party who allegedly was injured.
 - (3) Knowledge on the part of the political subdivision that inaction of the political subdivision could lead to harm.
 - (4) The injured party's justifiable reliance on the political subdivision's affirmative undertaking, occurrence of the injury while the injured party was under the direct control of the political subdivision, or the political subdivision action increases the risk of harm."

Page 7, replace lines 20 through 30 with:

- "f. A claim relating to injury directly or indirectly caused by the performance or nonperformance of a public duty, including:
- (1) Inspecting, licensing, approving, mitigating, warning, abating, or failing to so act regarding compliance with or the violation of any law, rule, regulation, or any condition affecting health or safety.
 - (2) Enforcing, monitoring, or failing to enforce or monitor conditions of sentencing, parole, probation, or juvenile supervision.

- (3) Providing or failing to provide law enforcement services in the ordinary course of a state's law enforcement operations.
- g. "Public duty" does not include action of the state or a state employee under circumstances in which a special relationship can be established between the state and the injured party. A special relationship is demonstrated if all of the following elements exist:
 - (1) Direct contact between the state and the injured party.
 - (2) An assumption by the state, by means of promises or actions, of an affirmative duty to act on behalf of the party who allegedly was injured.
 - (3) Knowledge on the part of the state that inaction of the state could lead to harm.
 - (4) The injured party's justifiable reliance on the state's affirmative undertaking, occurrence of the injury while the injured party was under the direct control of the state, or the state action increases the risk of harm."

Page 8, remove lines 1 and 2

Page 8, line 3, replace "g." with "h."

Page 8, line 4, replace "h." with "i."

Page 8, line 8, replace "i." with "j."

Page 8, line 9, replace "j." with "k."

Page 8, line 11, replace "k." with "l."

Page 8, line 13, replace "l." with "m."

Page 8, line 16, replace "m." with "n."

Page 8, line 18, replace "n." with "o."

Page 8, line 21, replace "o." with "p."

Page 8, line 23, replace "p." with "q."

Page 8, line 25, replace "q." with "r."

Page 8, line 26, replace "r." with "s."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2272: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2272 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 provide for a legislative council study of circumstances in which property should cease to be considered agricultural property for property tax purposes and a legislative council study of transferability of income tax credits for installation of geothermal, solar, or wind energy devices.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL AGRICULTURAL PROPERTY STATUS FOR PROPERTY TAX PURPOSES STUDY. The legislative council shall consider studying, during the 2005-06 interim, circumstances in which property should cease to be considered agricultural property for property tax purposes. The legislative

council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly.

SECTION 2. LEGISLATIVE COUNCIL INCOME TAX CREDIT TRANSFERABILITY STUDY. The legislative council shall consider studying, during the 2005-06 interim, issues related to transferability of income tax credits for installation of geothermal, solar, or wind energy devices. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2288: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2288 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2311: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2311 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2326, 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 2326 was placed on the Sixth order on the calendar.

Page 1, line 1, remove ", 4-10-06.1,"

Page 2, remove lines 21 through 30

Page 3, remove lines 1 through 13

Page 3, line 27, replace "3" with "2"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2346, as engrossed: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2346 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2360, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2360 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2373, as reengrossed: 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, 1 NAY, 3 ABSENT AND NOT VOTING). Reengrossed SB 2373 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "; and to provide a penalty"

Page 1, line 8, remove "- Penalty"

Page 1, remove lines 9 through 21

Page 1, line 22, remove "3." and replace the second "the" with "an"

Page 2, line 1, replace "shall" with "may"

Page 2, line 2, after "hospital" insert "or as otherwise provided by law"

Page 2, remove lines 3 through 5

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4037, as engrossed: Political Subdivisions Committee (Rep. Devlin, Chairman)
recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS,
0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SCR 4037 was placed on the
Tenth order on the calendar.

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

Bradley C. Fay, Chief Clerk

