

## JOURNAL OF THE HOUSE

## Fifty-ninth Legislative Assembly

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Bismarck, January 26, 2005

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

The prayer was offered by Pastor Tim Jenks, Bethel Lutheran Church of Bismarck.

The roll was called and all members were present except Representatives Brusegaard, Froelich, Kempenich, Rennerfeldt, and Solberg.

A quorum was declared by the Speaker.

## MOTION

**REP. BERG MOVED** that HB 1466 be returned to the House floor from the **Agriculture Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**REP. BERG REQUESTED** the unanimous consent of the House to withdraw HB 1466. There being no objection, it was so ordered by the Speaker.

## MOTION

**REP. MONSON MOVED** that HB 1073 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1073 was rereferred.

## MOTION

**REP. MONSON MOVED** that HB 1050 be returned to the House floor from the **Government and Veterans Affairs Committee** and be rereferred to the **Appropriations Committee**, which motion prevailed.

## MOTION

**REP. MONSON MOVED** that HB 1445 be returned to the House floor from the **Appropriations Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

## MOTION

**REP. MONSON MOVED** that HB 1443 and HB 1444 be returned to the House floor from the **Appropriations Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed.

## MOTION

**REP. MONSON MOVED** that HB 1257, which is on the Eleventh order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1257 was rereferred.

## SIXTH ORDER OF BUSINESS

**REP. MONSON MOVED** that the amendments on the Sixth order of business to HB 1284, HB 1293 and HB 1346 be adopted, which motion prevailed.

HB 1284, HB 1293 and HB 1346, as amended, were placed on the Eleventh order of business on the calendar.

## MOTION

**REP. MONSON MOVED** that HB 1293 be laid over two legislative days, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1162:** A BILL for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to restitution for nonpayment of child support; to amend and reenact sections 14-09-09.30 and 50-09-08.6 of the North Dakota Century Code, relating to collection of child support arrears; and to provide a penalty.

## 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, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Delzer; Ruby; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Rennerfeldt; Solberg

Engrossed HB 1162 passed and the title was agreed to.

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#### **MOTION**

**REP. BERG MOVED** that HB 1259 be laid over two legislative days, which motion prevailed.

#### **SECOND READING OF HOUSE BILL**

**HB 1267:** A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to the duties of the department of human services with respect to child protective services.

#### **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, 6 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Devlin; Froseth; Pollert; Timm; Vigesaa

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Rennerfeldt; Solberg

Engrossed HB 1267 passed and the title was agreed to.

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#### **SECOND READING OF HOUSE BILL**

**HB 1229:** A BILL for an Act to create and enact a new subsection to section 39-01-15 of the North Dakota Century Code, relating to mobility-impaired parking permits; 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; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Ruby; Sandvig; Schmidt; Sitte;

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

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Rennerfeldt; Solberg

Engrossed HB 1229 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1255:** A BILL for an Act to create and enact a new subsection to section 39-01-15 of the North Dakota Century Code, relating to mobility-impaired parking permits.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 83 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Hanson; Kroeber; Martinson; Mueller; Thorpe

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

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg

HB 1255 lost.

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### SECOND READING OF HOUSE BILL

**HB 1158:** A BILL for an Act to amend and reenact sections 14-02.5-31 and 14-02.5-36 of the North Dakota Century Code, relating to labor department administrative hearings and representation in enforcement actions.

### 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 81 YEAS, 7 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Meyer, S.; Onstad; Sandvig; Schmidt; Sitte; Zaiser

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg

Engrossed HB 1158 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1066:** A BILL for an Act to amend and reenact section 26.1-21-09.1 of the North Dakota Century Code, relating to premiums for and coverage of bonds of agents appointed to distribute hunting and fishing licenses or stamps.

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

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

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg; Weisz

Engrossed HB 1066 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1067:** A BILL for an Act to create and enact a new section to chapter 15-39.1 and a new subsection to section 15-39.1-24 of the North Dakota Century Code, relating to participation by short-term summer school contract teachers in the teachers' fund for retirement; 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, 14 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Hawken; Headland; Herbel; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, S.; Kingsbury; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nelson; Nicholas; Norland; Nottestad; Owens; Pietsch; Pollert; Potter; Price; Ruby; Sandvig; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Aarsvold; Amerman; Conrad; Gulleon; Haas; Hanson; Kelsch, R.; Kerzman; Klemin; Kroeber; Monson; Onstad; Porter; Schmidt

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg

Engrossed HB 1067 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1099:** A BILL for an Act to amend and reenact sections 39-18-01, 39-18-02, 39-22-05, 39-22-14, 39-22-18, 39-22.1-02, 39-22.1-03, 39-22.3-03, and 39-22.3-05 of the North Dakota Century Code, relating to penalties assessed against vehicle dealers, bond requirements for vehicle dealers, renewal of a dealer license, and unlicensed vehicle dealers; to provide a penalty; 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 PASS, the roll was called and there were 73 YEAS, 15 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Bernstein; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Glassheim; Grande; Guleson; Haas; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Price; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Boe; Boucher; Conrad; Ekstrom; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Onstad; Thorpe; Zaiser

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg

Engrossed HB 1099 passed and the title was agreed to.

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#### MOTION

**REP. BERG MOVED** that HB 1110 be moved to the bottom of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1135:** A BILL for an Act to amend and reenact subsection 10 of section 39-06.1-05, section 39-06.1-09, paragraph 13 of subdivision b of subsection 3 of section 39-06.1-10, and section 39-10-26 of the North Dakota Century Code, relating to operation of a vehicle on approach of department of transportation vehicles.

#### 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 7 YEAS, 81 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Glassheim; Hawken; Johnson, N.; Owens; Price; Thorpe

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

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg

Engrossed HB 1135 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1156:** A BILL for an Act to create and enact a new section to chapter 49-03.1 of the North Dakota Century Code, relating to registration of telecommunications companies that are not incumbent telecommunications companies; to amend and reenact subsection 2 of section 49-03.1-02 of the North Dakota Century Code, relating to the definition of a public utility and certificates of public convenience and necessity; and to provide a penalty.

#### 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; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande;

Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg

Engrossed HB 1156 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1161:** A BILL for an Act to create and enact a new section to chapter 43-30 of the North Dakota Century Code, relating to citations for unlicensed provision of private investigative services or unlicensed private security services; to amend and reenact sections 43-30-10 and 43-30-12 of the North Dakota Century Code, relating to disciplinary measures for persons engaged in private investigative service or private security service; and to provide a penalty.

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

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg

Engrossed HB 1161 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1166:** A BILL for an Act to create and enact a new chapter to title 38 of the North Dakota Century Code, relating to the interstate mining compact.

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

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg

Engrossed HB 1166 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1218:** A BILL for an Act to amend and reenact section 24-02-07.3 of the North Dakota Century Code, relating to the hiring of prequalified consultants by the department of transportation.

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

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg

Engrossed HB 1218 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1253:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 45-22-21.1 of the North Dakota Century Code, relating to the registration of limited liability partnerships; and to amend and reenact subsection 3 of section 45-22-03 of the North Dakota Century Code, relating to the registration of limited liability partnerships.

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

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

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Maragos; Owens; Rennerfeldt; Solberg

Engrossed HB 1253 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1264:** A BILL for an Act to amend and reenact section 4-05.1-16 of the North Dakota Century Code, relating to the state board of agricultural research and education.

**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, 4 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

**NAYS:** Carlson; Delzer; Meyer, S.; Skarphol

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kelsh, S.; Kempenich; Maragos; Rennerfeldt; Solberg; Zaiser

Engrossed HB 1264 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1300:** A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to exemptions from audit requirements for certain political subdivisions.

### 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, 1 NAY, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kelsh, S.; Kempenich; Maragos; Rennerfeldt; Solberg; Zaiser

Engrossed HB 1300 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1055:** A BILL for an Act to amend and reenact sections 57-39.2-01, 57-39.5-03, and 57-40.2-01 and subsection 5 of section 57-40.3-01 of the North Dakota Century Code, relating to farm machinery gross receipts tax and sales, use, and motor vehicle excise tax exemptions for purchase of replacement property using the amount of insurance compensation for a motor vehicle or farm machinery that has been stolen or totally destroyed; 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 83 YEAS, 3 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulletson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; 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; Sandvig; Schmidt; Sitte; Skarphol; Svedjan; Thoreson;



Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

**NAYS:** Bellew; Brandenburg; Ruby

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kelsh, S.; Kempenich; Maragos; Rennerfeldt; Solberg; Zaiser

HB 1055 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1289:** A BILL for an Act to amend and reenact section 25-03.3-03, subsection 4 of section 25-03.3-03.1, and sections 25-03.3-05, 25-03.3-11, and 25-03.3-13 of the North Dakota Century Code, relating to making evidence presented at a commitment hearing, preliminary hearing, or commitment proceeding of a sexually dangerous individual open, notice to the attorney general, and the release of medically indentifiable health information.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; 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; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg

HB 1289 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1296:** A BILL for an Act to amend and reenact section 20.1-01-26, subsection 26 of section 20.1-02-05, subsection 5 of section 20.1-03-37, and sections 20.1-03-39, 20.1-06-12, 20.1-12-09, 20.1-14-03, and 20.1-16-01 of the North Dakota Century Code, relating to suspension of game and fish hunting, trapping, and fishing privileges; and to repeal chapter 20.1-15 of the North Dakota Century Code, relating to hunting while intoxicated.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 87 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Wrangham

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; 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; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg

HB 1296 lost.

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### SECOND READING OF HOUSE BILL

**HB 1299:** A BILL for an Act to amend and reenact section 39-09-02 of the North Dakota Century Code, relating to speed limitations.

### ROLL CALL

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

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

**NAYS:** Dosch; Galvin; Nottestad; Uglem

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg

HB 1299 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1326:** A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to the possession of live venomous reptiles; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Brusegaard; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg

HB 1326 passed and the title was agreed to.

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### ANNOUNCEMENT

**SPEAKER KLEIN ANNOUNCED** that the reports received by the House under statutory requirements that reports be filed with the Legislative Assembly are filed with the Legislative Council.

This announcement will indicate to members and others where the reports can be found and complies with Senate and House Rules 302 regarding communications addressed to the house or the presiding officer. To date, there is no statutory requirement that the reports be printed in

the journals in their entirety or that the agency filing the report be identified when the report is filed.

The following sections of the North Dakota Century Code require the submission of reports:

1. 4-14.1-04 (Agricultural Products Utilization Commission);
2. 4-32-01 (pest control insurance fund annual report);
3. 6-09-29 (Bank of North Dakota annual audit report);
4. 10-30.2-16 (Myron G. Nelson Fund final report);
5. 10-30.5-09 (North Dakota Development Fund annual report);
6. 12-65-01 (Interstate Commission for Adult Offender Supervisions annual report);
7. 12-66-01 (Interstate Commission for Juveniles annual report);
8. 14-06.1-13 (Superintendent of Public Instruction evaluation report on displaced homemaker program);
9. 15-10-14.2 (Board of Higher Education higher education status report);
10. 15-52-03 (Medical Center Advisory Council state medical center's programs);
11. 15-62.3-02 (State Board of Higher Education annual report on tuition assistance grant program);
12. 15.1-04-01 (annual report of the Education Commission of the States);
13. 23-20.5-01 (Southwestern Low-Level Radioactive Waste Commission annual report);
14. 25-01.3-06 (Committee on Protection and Advocacy annual report);
15. 26.1-03-09 (Insurance Commissioner's tabulation of annual statements of insurance companies);
16. 26.1-36.4-06 (Insurance Commissioner's report on implementation of modified community rating);
17. 37-03-07 (Adjutant General's report on purchases of military property in cases of emergency);
18. 39-01-02 (State Auditor's report of noncompliance with state name requirement on state vehicles);
19. 39-04-10.10 (Department of Transportation report on fees received for issuing Veterans' Cemetery number plates);
20. 43-12.1-08.2 (Board of Nursing final report to 60th Legislative Assembly regarding demand for nurses in state);
21. 50-06.5-04 (Independent Living Council reports and recommendations);
22. 50-24.3-03 (Department of Human Services report on results of targeted case management);
23. 52-02-11 (Governor's report, if necessary, of the amount of money required to replace funds under the Wagner-Peyser Act);
24. 52-02.1-02 (Job Service North Dakota annual report with respect to the new jobs training program);
25. 53-12-07 (North Dakota Lottery annual audit report);
26. 54-03-19.2 (Legislative Compensation Commission report);
27. 54-07-01 (Governor's biennial report on the status of children and families);

28. 54-07-01.1 (Governor's report on any exercise of emergency powers by the Governor);
29. 54-10-04 (audit report of audit of State Auditor's office);
30. 54-11-07 (Governor's report, if necessary, of removal of State Treasurer from office);
31. 54-23.3-09 (Department of Corrections and Rehabilitation report on new programs if cost in excess of \$100,000);
32. 54-23.4-16 (Department of Corrections and Rehabilitation Division of Adult Services biennial report on crime victims compensation program);
33. 54-44-04 (periodic financial reports by the director of the Office of Management and Budget);
34. 54-44.5-08 (Office of Management and Budget report listing proposed energy conservation projects);
35. 54-52-06 (Public Employees Retirement System Board report on contributions necessary to maintain fund);
36. 54-55-04 (report of the Commission on Uniform State Laws);
37. 55-10-10 (State Historical Society changes in historic site designations);
38. 2003 Session Laws (S.L.), Chapter 3 (ch.), § 31 (Board of Higher Education report to 59th Legislative Assembly on student internships);
39. 2003 S.L., ch. 15, § 9 (Industrial Commission report to 59th Legislative Assembly regarding Mill and Elevator Association's net income);
40. 2003 S.L., ch. 15, § 14 (Industrial Commission report to 59th Legislative Assembly regarding Oil and Gas Division and Geological Survey merger); and
41. 2003 S.L., ch.187, § 2 (Agriculture Commissioner's report to 59th Legislative Assembly regarding saltcedar).

This list does not include: (a) reports required to be filed with individual committees of either or both houses of the Legislative Assembly, e.g., the uniform report from agricultural commodity groups under NDCC Section 4-24-10; (b) reports required to be distributed to each member of the Legislative Assembly, e.g., the biennial report of the director of the budget under NDCC Section 54-44.1-14 relating to governmental functions; (c) the normal biennial reports required by law (those reports are required to be filed with the Governor and Secretary of State); (d) budget requests, e.g., the budget request of the judicial branch under NDCC Section 27-01-01.1; (e) claims for payment of damages, e.g., a claim for damages caused by the National Guard under NDCC Section 37-01-41; or (f) recommendations for legislation.

As reports are received by you, please forward them to the Legislative Council office for filing.

**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 1028, HB 1059, HB 1065, HB 1068, HB 1124, HB 1175, HB 1230, HB 1236, HB 1247, HB 1266, HB 1287, HB 1336, HB 1337, HB 1358.

**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 2100, SB 2129.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2151.

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

**MR. SPEAKER:** The President has signed: HCR 3006.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, January 27, 2005, which motion prevailed.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Reps. DeKrey, Horter, R. Kelsch and Sens. Grindberg, Traynor, Triplett introduced:

**HCR 3014:** A concurrent resolution directing the Legislative Council to study judicial elections and recent federal court decisions affecting the conduct of judicial elections.

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

Reps. Martinson, Carlisle, Kretschmar, Thoreson and Sens. Flakoll, Mathern introduced:

**HCR 3015:** A concurrent resolution urging the United States Department of Treasury and the United States Mint to consider a design theme featuring Roger Maris for the North Dakota quarter under the Fifty States Commemorative Coin Program Act and urging the Governor and the North Dakota Quarter Design Selection Process Commission to support this design theme.

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

Government and Veterans Affairs Committee introduced:

**HCR 3016:** A concurrent resolution directing the Legislative Council to study the delivery of veterans' services by the state and counties.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Kerzman, L. Meier, Thoreson and Sens. Erbele, Robinson introduced:

**HCR 3017:** A concurrent resolution urging Congress to pass a human life amendment to the Constitution of the United States.

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

Reps. Kerzman, Ekstrom, Froelich, Kempenich introduced:

**HCR 3018:** A concurrent resolution for the amendment of sections 1 and 2 of article IV of the Constitution of North Dakota, relating to the composition of the legislative assembly; and to provide an effective date.

Was read the first time and referred to the **Constitutional Revision Committee**.

Reps. Froelich, Brandenburg, Kerzman, Kretschmar and Sens. Erbele, Krauter introduced:

**HCR 3019:** A concurrent resolution urging the United States Army Corps of Engineers to retain sufficient water in the upper portion of Lake Oahe to ensure a stable water supply for the residents of the Standing Rock Indian Reservation and surrounding communities and urging the Governor and the Attorney General to take appropriate action to ensure federal officials retain sufficient water in the upper portion of Lake Oahe to protect the health and well-being of the citizens of the area.

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

Reps. Berg, Boucher, Nicholas and Sens. Flakoll, O'Connell, Stenehjem introduced:

**HCR 3020:** A concurrent resolution urging Congress to implement the 2003-04 emergency agricultural disaster assistance legislation in the same manner as the 2001-02 legislation.

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

Reps. Froelich, Boucher, Kempenich, Nicholas and Sens. Erbele, O'Connell introduced:

**HCR 3021:** A concurrent resolution urging the North Dakota Attorney General to support legal action to prevent the importation of live cattle and edible beef products from Canada and other countries where bovine spongiform encephalopathy is present.

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

**REPORT OF STANDING COMMITTEE**

**HB 1027: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1027 was placed on the Sixth order on the calendar.

Page 3, line 6, overstrike "When the trust fund reserve is"

Page 3, line 7, remove "below the solvency target", overstrike " , rates", remove "may", and overstrike "not be lowered until the"

Page 3, line 8, remove "solvency" and overstrike "target level is reached."

Page 4, line 27, replace "b" with "d"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1038, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1038 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and"

Page 1, line 3, after "committee" insert "; and to declare an emergency"

Page 5, after line 16, insert:

**"SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds an emergency clause to the bill.

#### REPORT OF STANDING COMMITTEE

**HB 1057: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1057 was placed on the Sixth order on the calendar.

Page 2, line 7, remove "and"

Page 2, line 8, after "f." insert "Contact with victims is prohibited independent of a supervised treatment plan; and

g."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1061: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1061 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "For those individuals who have not provided a DNA sample" with "An individual who is not required to provide a sample of blood and other body fluids under section 31-13-03 or by the individual's state or court of conviction or adjudication shall also submit a sample of blood and other body fluids for inclusion in a centralized data base of DNA identification records under section 31-13-05. The collection, submission, testing and analysis of, and records produced from, samples of blood and other body fluids, are subject to chapter 31-13. Evidence of the DNA profile comparison is admissible in accordance with section 31-13-02. A report of the DNA analysis certified by the state crime laboratory is admissible in accordance with section 31-13-05. A district court shall order an individual who refuses to submit a sample of blood or other body fluids for registration purposes to show cause at a specified time and place why the individual should not be required to submit the sample required under this subsection."

Page 1, remove lines 9 through 11

Page 1, line 13, remove "DNA sample."

Page 1, line 14, after "general" insert "and shall submit the sample of the individual's blood and body fluids to the state crime laboratory"

Page 1, line 15, overstrike "within" and insert immediately thereafter "at least" and after "days" insert "before the change"

Page 1, line 24, after the period insert "The individual registering under this section shall periodically confirm the information required under this subsection in a manner and at an interval determined by the attorney general."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1074: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1074 was placed on the Sixth order on the calendar.

Page 1, line 2, after "auditor" insert "; and to provide a penalty"

Page 1, line 6, after "**systems**" insert "**- Penalty**" and after the boldfaced period insert:

"1."

Page 1, line 7, replace "1." with "a."

Page 1, line 14, replace "2. At the state auditor's discretion, disclose" with "b. Disclose"

Page 1, line 22, replace "3." with "c."

Page 1, after line 24, insert:

"2."

Page 2, line 2, after the period insert "Any individual who knowingly discloses confidential information is subject to the provisions of section 12.1-13-01."

3. The state auditor shall notify the executive officer of any state agency or political subdivision of the date, time, and location of any test conducted in connection with a review and assessment of computer systems or related security systems. The executive officer or a designee of the executive officer shall attend and observe the test. An executive officer or designee of an executive officer receiving notice of any test conducted under this section may not inform any other individual of the scheduling and conduct of the test.
4. The state auditor shall notify the attorney general of the date, time, and location of any test conducted in connection with a review and assessment of computer systems or related security systems. The attorney general may designate an individual to participate in the test. The designee of the attorney general may order the test to be terminated if the individual believes a sensitive system is being breached, a sensitive system may be breached, or sensitive information may be revealed.
5. Notwithstanding any provision in chapter 32-12.2 to the contrary, if the attorney general and the director of the office of management and budget determine it is in the best interest of the state, the state auditor may agree to limit the liability of a contractor performing a review and assessment under this section. The liability limitation must be approved by the attorney general and director of the office of management and budget in writing. For any uninsured losses, the director of the office of management and budget may approve the risk management fund to assume all or part of the contractor's liability to the state in excess of the limitation."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1089: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (17 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING). HB 1089 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1159, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1159 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 5-03 of the North Dakota Century Code, relating to alcoholic beverage supplier licensing requirements;", after "sections" insert "5-01-01,", and after "5-01-11" insert a comma

Page 1, line 2, after the first "to" insert "definitions," and after "retailers" insert a comma

Page 1, line 3, after "entities" insert "; to repeal section 5-03-01.2 of the North Dakota Century Code, relating to brand registration of alcoholic beverages"

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Section 5-01-01 of the North Dakota Century Code is amended and reenacted as follows:

**5-01-01. Definitions.** In this title:

1. "Alcohol" means neutral spirits distilled at or above one hundred ninety degrees proof, whether or not such product is subsequently reduced, for nonindustrial use.
2. "Alcoholic beverages" means any liquid suitable for drinking by human beings, which contains one-half of one percent or more of alcohol by volume.
3. "Beer" means any malt beverage containing one-half of one percent or more of alcohol by volume.
4. "Distilled spirits" means any alcoholic beverage that is not beer, wine, sparkling wine, or alcohol.
5. "Licensed premises" means the premises on which beer, liquor, or alcoholic beverages are normally sold or dispensed and must be delineated by diagram or blueprint which must be included with the license application or the license renewal application.
6. "Liquor" means any alcoholic beverage except beer.
7. "Local governing body" means the governing entity of a city, county, or federally recognized Indian tribe in this state.
8. "Local license" means a city, county, or tribal retail alcoholic beverage license issued by the appropriate local governing body.
9. "Microbrew pub" means a brewer that brews ten thousand or fewer barrels of beer per year and sells beer produced or manufactured on the premises for consumption on or off the premises, or serves beer produced or manufactured on the premises for purposes of sampling the beer.
10. "Organization" means a domestic or foreign corporation, general partnership, limited partnership, or limited liability company.
11. "Sparkling wine" means wine made effervescent with carbon dioxide.
12. "Supplier" means an alcoholic beverage manufacturer, importer, marketer, or wholesaler selling alcoholic beverages to a wholesaler licensed in this state for purposes of resale.
13. "Tribal licensee" means a person issued a local license by the governing body of a federally recognized Indian tribe in this state for the retail sale of alcoholic beverages within the exterior tribal reservation boundaries.
- ~~13.~~ 14. "Wine" means the alcoholic beverage obtained by fermentation of agricultural products containing natural or added sugar or such beverage fortified with brandy and containing not more than twenty-four percent alcohol by volume."

Page 3, after line 16, insert:



"**SECTION 4.** A new section to chapter 5-03 of the North Dakota Century Code is created and enacted as follows:

Supplier license required - Filing requirements - Penalty.

1. Before a supplier may engage in the sale or shipment of alcoholic beverages to a licensed North Dakota wholesaler, that supplier must first procure a supplier license from the state tax commissioner.
2. For any month in which a licensed supplier has made sales to a North Dakota wholesaler, that supplier shall file a report with the tax commissioner no later than the thirtieth day of each calendar month covering alcoholic beverages sold or shipped to a North Dakota wholesaler during the preceding calendar month. When the thirtieth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. The report must provide such detail and be in a format as prescribed by the tax commissioner. The tax commissioner may require that the report be submitted in an electronic format approved by the tax commissioner.
3. If a supplier fails to file the required report as required by this section, there is imposed a penalty of twenty-five dollars per month for each calendar month or fraction of a month during which the delinquency continues beginning with the month during which the report was due.
4. A supplier in violation of this section or who furnishes information required by this section that is false or misleading is guilty of a class A misdemeanor.

**SECTION 5. REPEAL.** Section 5-03-01.2 of the North Dakota Century Code is repealed."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1186: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **DO PASS** (9 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1186 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1201: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1201 was placed on the Sixth order on the calendar.

Page 1, line 10, after "agency" insert "has not acknowledged receipt of the complaint, grievance, or request and" and replace "taken" with "initiated"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1250: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1250 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1265: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1265 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "15.1-20-04, 15.1-23-01," with "15.1-23-13, 15.1-23-14, and 15.1-23-15"

Page 1, line 2, remove "15.1-23-03, 15.1-23-08, and 15.1-23-19"

Page 1, line 3, replace "; and to repeal sections 15.1-23-06, 15.1-23-07, 15.1-23-14, and 15.1-23-15 of the" with "of students with developmental disabilities."

Page 1, remove lines 4 and 5

Page 2, line 3, replace "15.1-20-04" with "15.1-23-13"

Page 2, replace lines 5 through 31 with:

**"15.1-23-13. Home education - Disabilities - Services plan.**

1. a. If a multidisciplinary assessment team, using eligibility criteria established by the superintendent of public instruction, determines that the child is disabled, that the child requires specially designed instruction due to the disability, and that this instruction cannot be provided without special education and related services, the parent may continue to supervise home education, provided that:
  - ~~a.~~ ~~The child does not have a developmental disability;~~
  - ~~b.~~ (1) The parent files with the school district superintendent a services plan that was developed privately or through the school district; and
  - ~~c.~~ (2) The services plan demonstrates that the child's special needs are being addressed by persons qualified to provide special education or related services.
  - b. If the multidisciplinary team determines that the child has a developmental disability, the parent may continue to supervise home education under the provisions of sections 15.1-23-14 and 15.1-23-15.
2. Annually, the superintendent of the child's school district of residence shall determine reasonable academic progress based on the child's services plan.
3. If a parent fails to file a services plan as required by this section, the parent is deemed to be in violation of the compulsory school attendance provisions and may no longer supervise the home education of the child.
4. A child who was once evaluated by a multidisciplinary assessment team need not be reevaluated for a potential learning problem upon scoring below the thirtieth percentile on a subsequent standardized achievement test unless the reevaluation is performed pursuant to the child's services plan.

**SECTION 3. AMENDMENT.** Section 15.1-23-14 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-14. ~~Children with autism~~ Child with a developmental disability - Home education.** ~~Notwithstanding any other law, a~~ A parent may supervise home education for a developmentally disabled child with autism a developmental disability if:

1. The child has been determined to ~~be autistic~~ have a developmental disability by a licensed psychologist;
2. The child's parent is qualified to supervise home education under this chapter; and
3. The child's parent files with the superintendent of the child's school district of residence:
  - a. A notice that the child will receive home education;
  - b. A copy of the child's diagnosis of ~~autism~~ a developmental disability prepared and attested to by a licensed psychologist; and
  - c. A services plan developed and followed by the child's school district of residence and the child's parent; or, after providing written notice to the superintendent of the child's school district of residence, a substitute services plan, developed and followed, according to section 15.1-23-15, by a services plan team selected by and compensated by the child's parent.

**SECTION 4. AMENDMENT.** Section 15.1-23-15 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-15. ~~Children~~ Child with autism developmental disability - Home education - Progress reports.**

1. On or before November first, February first, and May first of each school year, a parent supervising home education for ~~an autistic~~ a child with a developmental disability under section 15.1-23-14 shall file with the superintendent of the child's school district of residence progress reports prepared by the services plan team selected under section 15.1-23-14. If at any time the services plan team agrees that the child is not benefiting from home education, the team shall notify the superintendent of the child's school district of residence and request that the child be evaluated by a multidisciplinary team appointed by the superintendent of the child's school district of residence.
2. The superintendent of the child's school district of residence shall forward copies of all documentation required by this section to the superintendent of public instruction."

Page 3, remove lines 1 through 12

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1280: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1280 was placed on the Sixth order on the calendar.

Page 2, line 13, replace "a polysomnographic technologist, technician, or" with "the performance of oxygen therapy or the initiation of noninvasive positive pressure ventilation by a registered polysomnographic technologist, relating to the study of sleep disorders, if such procedures are performed or initiated under the supervision of a physician who is privileged in sleep medicine at a state licensed hospital or health system or is board eligible or a diplomate of the American board of sleep medicine."

Page 2, remove lines 14 through 28

Page 2, line 29, remove "d."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1297: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1297 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1313: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1313 was placed on the Sixth order on the calendar.

Page 3, line 6, after "**conditions**" insert "- Penalty"

Page 3, line 30, after the period insert "If the unserved portion of the defendant's maximum period of incarceration is less than one year, a violation of the probation imposed under this subsection is a class A misdemeanor."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1325: 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). HB 1325 was placed on the Sixth order on the calendar.

Page 3, line 3, after "winery" insert ", wholesaler, or retailer"

Page 3, line 11, remove "and intrastate"

Page 3, line 14, after the underscored period insert "Sales under this subsection are limited to 7.13 gallons [27 liters] of wine per month."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1359: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1359 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "a licensed nursing facility or basic care facility"

Page 1, line 3, remove "may charge"

Page 1, line 18, overstrike ", but"

Page 1, line 19, overstrike "the charge cannot exceed twenty-five dollars per month" and remove "The twenty-five dollar"

Page 1, remove line 20

Page 1, line 21, remove "facility or a basic care facility."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1360: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1360 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "15-62.1-02" insert "and 15-62.1-05"

Page 1, line 2, after "students" insert "and loan guarantee funds"

Page 2, after line 16, insert:

**"SECTION 2. AMENDMENT.** Section 15-62.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**15-62.1-05. Establishment and maintenance of adequate guarantee funds - Appropriation.** The agency may enter into an agreement with the federal government for the coinsurance of loans guaranteed under this program. The agency shall establish and at all times maintain from funds appropriated under this chapter adequate guarantee reserve funds in special accounts in the Bank of North Dakota unless required by title IV, part B, of the Higher Education Act of 1965 [Pub. L. 89-329; 79 Stat. 1236; Pub. L. 99-498; 100 Stat. 1353; Pub. L. 105-244; 112 Stat. 1581; 20 U.S.C. 1001 et seq.], as amended through December 31, 1998, to be invested elsewhere. The fund for loans ~~which that~~ are coinsured by the federal government must be maintained at a minimum amount equal to the requirements set forth in title IV, part B, of the Higher Education Act of 1965 [Pub. L. 89-329; 79 Stat. 1236; Pub. L. 99-498; 100 Stat. 1353; Pub. L. 105-244; 112 Stat. 1581; 20 U.S.C. 1001 et seq.], as amended through December 31, 1998. The fund for loans ~~which that~~ are not coinsured by the federal government ~~may not be less than one-tenth of the dollar value of the unpaid principal balance of the loans~~ will be determined by the agency but may be no less than the Bank of North Dakota historical default rate. Funds appropriated under this chapter and designated as guarantee agency reserve funds for loans that are not coinsured by the federal government must be administered separately and segregated from reserve funds for loans that are coinsured by the federal government. The securities in which the moneys in the reserve funds may be invested must meet the same requirements as those authorized for investment under the state investment board. The income from such investments must be made available for the costs of administering the respective guarantee loan programs and income in excess of that required to pay the cost of administering the programs must be deposited in the respective reserve fund that corresponds to the source of the initial invested funds. The proceeds of reserve funds received from federal, state, or private sources, for the purpose of guaranteeing loans

made to students as provided in this chapter, are hereby appropriated as a continuing appropriation for the payment of defaulted loans guaranteed by each respective fund."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1372: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1372 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1385: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1385 was placed on the Eleventh order on the calendar.

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

**Bradley C. Fay, Chief Clerk**

