

## JOURNAL OF THE HOUSE

## Fifty-ninth Legislative Assembly

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Bismarck, March 4, 2005

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

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

The roll was called and all members were present except Representatives Belter, Boe, Dosch, Drovdal, Hunsakor, Keiser, Solberg, Wald, and Weiler.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

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

On page 591, remove lines 20 through 22

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

## CORRECTION AND REVISION OF THE JOURNAL

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

On page 887, line 47 remove "1265" and replace it with "1264"

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

## SIXTH ORDER OF BUSINESS

**SPEAKER KLEIN DEEMED** approval of SB 2033 SB 2149, SB 2202, SB 2410 and SCR 4027.

SB 2033, SB 2149, SB 2202, SB 2410 and SCR 4027, as amended, were placed on the Fourteenth order of business on the calendar.

## MOTION

**REP. BERG MOVED** that SB 2297, which is on the fourteenth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, SB 2297 was rereferred.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3037:** A concurrent resolution for the amendment of sections 1 and 2 of article IX of the Constitution of North Dakota, relating to distributions from and management of the common schools trust fund and the trust funds of other educational or charitable institutions; and to provide a contingent effective date.

## ROLL CALL

The question being on the final passage of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 1 NAY, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

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

**NAYS:** Delzer

**ABSENT AND NOT VOTING:** Belter; Boe; Dosch; Drovdal; Hunskor; Keiser; Timm; Wald; Weiler

Engrossed HCR 3037 passed and the title was agreed to.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3048:** A concurrent resolution for the amendment of section 24 of article X of the Constitution of North Dakota, relating to expenditures from the foundation aid stabilization fund.

#### **ROLL CALL**

The question being on the final passage of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Belter; Boe; Dosch; Drovdal; Hunskor; Keiser; Wald; Weiler

Engrossed HCR 3048 passed and the title was agreed to.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3004:** A concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to the vote required to enact an income, sales, use, or motor vehicle excise taxes increase by the legislative assembly.

#### **ROLL CALL**

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 71 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Brusegaard; Carlson; Delzer; Grande; Iverson; Kasper; Rennerfeldt; Ruby; Sitte; Skarphol; Thoreson; Timm

**NAYS:** Aarsvold; Amerman; Berg; Bernstein; Boehning; Boucher; Brandenburg; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Devlin; Dietrich; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Johnson, D.; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Sandvig; Schmidt; Solberg; Svedjan; Thorpe; Uglem; Vigasaa; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Boe; Delmore; Dosch; Drovdal; Hunskor; Keiser; Meyer, S.; Wald; Weiler

HCR 3004 lost.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

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

**ROLL CALL**

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 71 YEAS, 13 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Froelich; Froseth; Galvin; Grande; Gulleeson; Hanson; Headland; Herbel; Horter; Iverson; Johnson, D.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wall; Weisz; Wieland; Williams; Wrangham; Speaker Klein

**NAYS:** Conrad; Ekstrom; Glassheim; Haas; Hawken; Johnson, N.; Kaldor; Maragos; Nottestad; Owens; Potter; Thorpe; Zaiser

**ABSENT AND NOT VOTING:** Belter; Boe; Delmore; Dosch; Drovdal; Hunskor; Keiser; Meyer, S.; Wald; Weiler

HCR 3017 passed and the title was agreed to.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**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.

**ROLL CALL**

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 60 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boucher; Brusegaard; Damschen; DeKrey; Delzer; Ekstrom; Froelich; Gulleeson; Kaldor; Kempenich; Kerzman; Metcalf; Meyer, S.; Mueller; Nelson; Nicholas; Onstad; Sandvig; Schmidt; Skarphol; Solberg; Thorpe; Wieland; Wrangham

**NAYS:** Bellew; Berg; Bernstein; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Delmore; Devlin; Dietrich; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Monson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sitte; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wall; Weisz; Williams; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Boe; Dosch; Drovdal; Hunskor; Keiser; Wald; Weiler

HCR 3018 lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3049:** A concurrent resolution for the amendment of section 22 of article X of the Constitution of North Dakota, relating to expenditures from the resources trust fund.

**ROLL CALL**

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 85 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Amerman; Bellew; Berg; Bernstein; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol;

Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Belter; Boe; Dosch; Drovdal; Ekstrom; Hunsakor; Keiser; Wald; Weiler

HCR 3049 lost.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3055:** A concurrent resolution for the amendment of sections 1, 2, and 6 of article XII of the Constitution of North Dakota, relating to regulation of corporations and to cumulative voting by corporate members or shareholders; and to repeal sections 3, 4, 7, 8, 9, 11, 12, 13, 14, 15, and 17 of article XII of the Constitution of North Dakota, relating to regulation of business, railroad, and banking corporations; and to provide an effective date.

#### **ROLL CALL**

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 3 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

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

**NAYS:** Amerman; Carlson; Delzer

**ABSENT AND NOT VOTING:** Belter; Boe; Dosch; Drovdal; Hunsakor; Keiser; Sitte; Wald; Weiler

HCR 3055 passed and the title was agreed to.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2064, SB 2065, SB 2109, SB 2166, SB 2180, SB 2189, SB 2210.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2061, SB 2078, SB 2113, SB 2163, SB 2182, SB 2345.

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

**MR. PRESIDENT:** The House has failed to pass: SB 2046, SB 2177.

#### **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: HCR 3056.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2066.

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1075, HB 1107, HB 1144, HB 1199, HB 1389.

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

**MR. PRESIDENT:** The Speaker has signed: SCR 4017.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on March 4, 2005: HCR 3009, HCR 3021.

**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 4012, SCR 4037, SCR 4038.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1122, HB 1123, HB 1125, HB 1182, HB 1358, HB 1491, HB 1498.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SCR 4017.

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

**MR. SPEAKER:** The President has signed: HB 1027, HB 1034, HB 1078, HB 1080, HB 1098, HB 1099, HB 1111, HB 1129, HB 1131, HB 1138, HB 1139, HB 1166, HB 1167, HB 1218, HB 1247, HB 1300, HB 1340, HB 1392, HB 1396, HB 1492, HB 1519.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2040, SB 2057, SB 2072, SB 2088, SB 2089, SB 2092, SB 2093, SB 2097, SB 2100, SB 2106, SB 2107, SB 2108, SB 2124, SB 2126, SB 2140, SB 2154, SB 2156, SB 2161, SB 2165, SB 2171, SB 2176, SB 2185, SB 2207, SB 2276.

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

**MR. SPEAKER:** The President has signed: HCR 3009, HCR 3021.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Thirteenth, and Fourteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, March 7, 2005, which motion prevailed.

**FIRST READING OF HOUSE BILLS**

Reps. DeKrey, Horter, Price and Sens. J. Lee, Traynor, Triplett introduced:

(Approved by the Delayed Bills Committee)

**HB 1527:** A BILL for an Act to create and enact a new section to chapter 43-51 of the North Dakota Century Code, relating to military service member exceptions to occupational licensing board continuing education requirements; to provide for application; and to declare an emergency.

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

Reps. Metcalf, Boucher, Nottestad and Sens. Dever, Lyson, Thane introduced:

(Approved by the Delayed Bills Committee)

**HB 1528:** A BILL for an Act to create and enact a new section to chapter 55-01 of the North Dakota Century Code, relating to maintenance of the veterans' memorial on the capitol grounds.

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

**REPORT OF STANDING COMMITTEE**

**SB 2024: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2024 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 11-18 of the North Dakota Century Code, relating to county recorder reports to the legislative council regarding use of document preservation funds; to"

Page 1, line 2, after "fund" insert "; and to provide an expiration date"

Page 5, after line 11, insert:

**"SECTION 3.** A new section to chapter 11-18 of the North Dakota Century Code is created and enacted as follows:

Document preservation fund - Recorder reporting requirement to legislative council. Before March first of each even-numbered year, each recorder shall prepare a report that specifies how the county used the county's document preservation funds during the preceding two fiscal years; how the county's use of the document preservation funds has furthered the goal of document preservation; and the county's general strategic plans for document preservation. The county reports must be submitted to the North Dakota association of counties for compilation and submittal to the legislative council before April first of each even-numbered year.

**SECTION 4. EXPIRATION DATE.** Section 3 of this Act is effective through July 31, 2009, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2129, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2129 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "any reasonable" with "a late payment penalty as provided in section 47-14-05."

Page 1, remove lines 18 through 20

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2160: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2160 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2191, as engrossed: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2191 was placed on the Sixth order on the calendar.

Page 3, line 29, remove "or"

Page 3, line 30, remove "prospective franchisee"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2195, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2195 was placed on the Sixth order on the calendar.

Page 1, line 17, overstrike "forty-five" and insert immediately thereafter "fifty"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2261: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2261 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 23-12 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to breastfeeding; and to" and remove "subsection 4 of section"

Page 1, line 3, remove "12.1-20-02 and" and remove ", 12.1-27.1-11,"

Page 1, remove lines 6 through 12

Page 2, remove lines 2 through 18

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2334: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2334 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2339, as engrossed: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2339 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2367: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2367 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2369, as engrossed: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2369 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2376, as engrossed: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO NOT PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2376 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2382: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2382 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2388: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2388 was placed on the Sixth order on the calendar.

Page 1, line 1, after "43-42-05" insert "and a new section to chapter 43-51"

Page 1, line 2, after "therapy" insert "and for foreign practitioners"

Page 1, after line 11, insert:

**"SECTION 2.** A new section to chapter 43-51 of the North Dakota Century Code is created and enacted as follows:

**Foreign practitioners - Emergency practice exemption.** Notwithstanding contrary provisions of law, a foreign practitioner may practice in an emergency in this state, practice as a member of an organ harvesting team, or practice on board an ambulance as part of the ambulance treatment team."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2395, as reengrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed SB 2395 was placed on the Sixth order on the calendar.

Page 1, line 6, after the first semicolon insert "to provide for a report to the legislative council;"

Page 1, line 17, after "food" insert ", as defined in section 25-17-00.1,"

Page 1, line 18, remove "treatment"

Page 1, line 20, remove "treatment"

Page 1, line 22, remove "treatment"

Page 2, line 1, remove "There may be no"

Page 2, remove line 2

Page 2, line 5, remove "The department shall"

Page 2, remove lines 6 through 10

Page 2, line 11, remove "machine, enteral or parenteral nutrition support, or continuous oxygen."

Page 2, line 13, remove "**CHILD**"

Page 2, line 16, after "institutionalization" insert "; the comprehensive health association of North Dakota program provided for under chapter 26.1-08, including contracting for a cost-benefit analysis of this program; and the state programs providing services to children with special health care needs to determine whether the programs are effective in meeting these special health care needs, whether there are gaps in the state's system for providing services to children with special health care needs, and whether there are significant unmet special health care needs of children which should be addressed" and remove "The legislative council may assign"

Page 2, line 17, remove "portions of this study to appropriate interim committees."

Page 2, after line 19, insert:

**"SECTION 5. REPORT TO LEGISLATIVE COUNCIL.** During the 2005-06 interim, the department shall report to the legislative council regarding the status of the medicaid waiver to provide in-home services under section 3 of this Act, the number of applications the department receives for the in-home services, and the status of the program's appropriation."

Page 2, line 23, remove "treatment"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2405: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2405 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4028: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4028 was placed on the Tenth order on the calendar.

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

**Bradley C. Fay, Chief Clerk**