

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

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Bismarck, January 31, 2005

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

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church of Bismarck.

The roll was called and all members were present except Representatives DeKrey, Ekstrom, Glassheim, Grande, and Rennerfeldt.

A quorum was declared by the Speaker.

CELEBRATING OUR VETERANS' SERVICE BY ERIN DOERNER

The water under the boat churned, frothy and cold. Wind softly lifted the birds and the sun gleamed with honor and authority. My stomach turned and I lifted my head. Almost there, I thought, almost there. The film had been long and sad and I figured the real thing had to be similar. But it wasn't.

I remember stepping on to the platform. Everything was white: the walls, the floor, the polo shirts on the tour guides. But the water was dark and the sky was blue and the blood that had spilt from these men's veins was red. It had long ago disappeared into the rusty ship, out of sight and into the murky depths of the ocean. Oil bubbles still float up to the surface; they have been for sixty three years. I'm only seventeen.

I tried to take a photo of the bubbles, beautiful and terrible at the same time. Their rainbow rings spread across the water like drops of blood. Or perhaps tears. I'm sure that many tears have fallen into those waves, beside whispered prayers and placed sighs. This is hallowed ground, I thought. A cemetery for 1,102 souls. My eyes filled with tears but I hid them behind my camera, efficiently snapping shots of the view. I had been wandering around for a while when I suddenly felt the need to stop right where I was. Looking up, I saw the American flag flying directly above my head. The sun was right above it and the beams that were the ceiling of the memorial formed a frame around the subject. I lifted my camera. The edges of the flag were worn and frayed, much like the heart of a weary and tired soldier. But the colors were bright and constant, steadfast in their duty of proclaiming American honor over the watery graves. "Thank you," I whispered into the breeze and the flag rippled with dignity in the sunlight. I knew I had been heard.

I don't know if I will ever get to visit Pearl Harbor again in my life. The time I spent there was minimal compared to the time spent there by others, yet I feel like it was, and will remain to be, one of the most moving experiences I have every encountered. I was on a high school band tour and it was the first stop in a busy day of sightseeing. Yet it stands out completely from the rest of the trip. Seeing the U.S.S. Arizona Memorial with my peers and classmates made me realize that we are no different than those who lived and died for their country so many years ago. We have the same feelings, the same job, the same pain, the same uniting bond that makes us Americans. It also made me think of the thousands and thousands of veterans of other wars and other conflicts; people who courageously and unselfishly gave up so much in order to guarantee the safety of this great country. Both of my grandfathers were in the Korean War. I am here because of them.

What is it that makes a person willing to die for his country? What is it that moves her to give up security, family, the comforts of home for an unknown land, teeming with horror and violence? What drives a person to stay in the trenches? To lift one's neighbor over one's shoulder when blood is seeping from one's own wounds? To stay calm in the face of danger, to stay open in the face of diversity, to stay ready in the face of attack, to stay at all when so many are retreating to safety? What does it take? Something extraordinary.

I am not a powerful leader who creates law. I am not a history teacher who shares the bravery of these veterans with classrooms of students. I am not an architect who designs beautiful memorials and monuments. I am not a poet who writes sonnets and love songs as a tribute to the dead. I am not the President, not a mother, not a widow, not the daughter of a POW or MIA. I am not an officer or a sailor or a soldier. I am a young girl who can thank her veterans by whispering "thank you" into the wind. If that is all I can do to celebrate my veterans' service, then I will be honored to do it.

Celebrating Our Veterans' Service is an important theme that should be manifest in our daily lives. This country was built on the sweat, blood and determination of our forefathers and for 229 years, America has been defended and protected by those who love her.

SIXTH ORDER OF BUSINESS

REP. MONSON MOVED that the amendments on the Sixth order of business to HB 1176, HB 1245, HB 1258, HB 1327, HB 1350, HB 1357, HB 1375 and HB 1412 be adopted, which motion prevailed.

HB 1375, as amended, was rereferred to the **Appropriations Committee**.

HB 1176, HB 1245, HB 1258, HB 1327, HB 1350, HB 1357 and HB 1412, as amended, were placed on the Eleventh order of business on the calendar.

MOTION

REP. MONSON MOVED that HB 1360, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1360 was rereferred.

MOTION

REP. MONSON MOVED that HB 1206, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1206 was rereferred.

MOTION

REP. MONSON MOVED that HB 1281 be laid over one legislative day, which motion prevailed.

MOTION

REP. DEKREY MOVED that HB 1455 be returned to the House floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. DEKREY REQUESTED the unanimous consent of the House to withdraw HB 1455. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE BILL

HB 1249: A BILL for an Act to create and enact two new sections to chapter 50-24.1 of the North Dakota Century Code, relating to transfers of assets and avoiding medical creditors.

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

YEAS: Thorpe

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; 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; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Ekstrom; Grande; Rennerfeldt

HB 1249 lost.

SECOND READING OF HOUSE BILL

HB 1207: A BILL for an Act to amend and reenact section 57-40.6-02 of the North Dakota Century Code, relating to the fee for an emergency services communication system.

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 6 YEAS, 84 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Carlson; Delzer; Kasper; Wrangham

NAYS: Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; 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; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Ekstrom; Grande; Rennerfeldt; Williams

HB 1207 lost.

SECOND READING OF HOUSE BILL

HB 1038: A BILL for an Act to establish an advisory commission on the No Child Left Behind Act; to amend and reenact section 54-35-21 of the North Dakota Century Code, relating to the interim no child left behind committee; 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 77 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Delzer; Dosch; Haas; Hanson; Iverson; Kaldor; Kasper; Keiser; Kerzman; Meier, L.; Meyer, S.; Ruby; Sitte

ABSENT AND NOT VOTING: Ekstrom; Grande; Rennerfeldt

Engrossed HB 1038 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1057: A BILL for an Act to create and enact a new section to chapter 25-03.3 of the North Dakota Century Code, relating to commitment of sexually dangerous individuals; 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 89 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Glassheim; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; 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; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Galvin

ABSENT AND NOT VOTING: Ekstrom; Grande; Rennerfeldt; Wald

Engrossed HB 1057 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1074: A BILL for an Act to create and enact a new section to chapter 54-10 of the North Dakota Century Code, relating to audits of computer systems by the state auditor; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glasheim; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; 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; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Ekstrom; Grande; Rennerfeldt

Engrossed HB 1074 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1159: A BILL for an Act to create and enact a new section to chapter 5-03 of the North Dakota Century Code, relating to alcoholic beverage supplier licensing requirements; to amend and reenact sections 5-01-01, 5-01-11, and 5-03-06 of the North Dakota Century Code, relating to definitions, goods and services provided by alcohol wholesalers to retailers, and the authority of the tax commissioner to audit records of alcoholic beverage entities; to repeal section 5-03-01.2 of the North Dakota Century Code, relating to brand registration of alcoholic beverages; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glasheim; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; 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; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Boucher; Ekstrom; Grande; Rennerfeldt

Engrossed HB 1159 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1201: A BILL for an Act to create and enact section 28-32-31.1 of the North Dakota Century Code, relating to the right of an occupational or professional licensee to demand resolution of a complaint, grievance, or request for disciplinary action filed with the licensing authority.

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 72 YEAS, 19 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Charging; Clark; Conrad; Damschen; Delmore; Dietrich; Dosch; Froelich; Froseth; Galvin; Glassheim; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Maragos; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Belter; Brusegaard; Carlisle; Carlson; DeKrey; Delzer; Devlin; Drovdal; Kempenich; Kreidt; Kroeber; Martinson; Pollert; Price; Skarphol; Timm; Weiler; Weisz; Wrangham

ABSENT AND NOT VOTING: Ekstrom; Grande; Rennerfeldt

Engrossed HB 1201 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1265: A BILL for an Act to amend and reenact sections 15.1-20-02, 15.1-23-13, 15.1-23-14, and 15.1-23-15 of the North Dakota Century Code, relating to home education of students with developmental disabilities.

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

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

ABSENT AND NOT VOTING: Ekstrom; Grande; Rennerfeldt

Engrossed HB 1265 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1280: A BILL for an Act to amend and reenact section 43-42-05 of the North Dakota Century Code, relating to the exemption of the practice of sleep therapy from the regulation of respiratory therapy.

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlson; Charging; Clark; DeKrey; Delmore; Devlin; Dietrich; Froelich; Froseth; Galvin; Glassheim; Gulleason; 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; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Carlisle; Conrad; Damschen; Delzer; Dosch; Drovdal; Kempenich; Martinson; Meier, L.; Weiler

ABSENT AND NOT VOTING: Ekstrom; Grande; Rennerfeldt

Engrossed HB 1280 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that a committee of two be appointed to escort the Honorable Byron Dorgan, United States Senator, to the podium, which motion prevailed. The Speaker appointed Rep. Berg and Rep. Boucher to such committee.

REMARKS BY SENATOR BYRON DORGAN

MR. SPEAKER AND Members of the House, first of all thank you for inviting me once again. I am always honored to come by when you are in session and have the opportunity to say hello. I know from working in the Capitol how frenetic it is. You, unlike the U.S. Congress in which bills are introduced and never heard, never seen again, you have to deal with bills and run them through the committees, vote on them, bring them through the committees, it is indeed very impressive.

The U.S. Congress by contrast, starts slow and slows down. We are at the start of a new Congress. We have a lot to confront us. Let me also begin, no matter how one feels about foreign policy and what is happening around the world, the expression yesterday by the Iraqis' to go to the polls; should give all of us who participate in a democracy an enormous amount of pride. The dignity of a person casting a vote anywhere in this world as a matter of self expression and especially the courage it took for some people to show up at the polls yesterday in Iraq is really something extraordinary. I think all of us should take great pride.

Perhaps in all of the time that I have had the privilege of coming to visit with you during my service in the US House and the US Senate, we have never had the major and, I think, unusual challenges that now confront our state. Let me describe a few of these to you.

First on February 7, the President will give us his presidential budget for the next fiscal year. In the past year, our fiscal policy deficit is 567 billion dollars, that is serious. It has been a record that is serious and we have to get our fiscal policy back on track. The President's budget from all that we are hearing will propose significant and major spending for law enforcement, water development, agriculture. The most important to the State Legislature here in Bismarck is Medicaid because the federal government funds about 2/3 of the Medicaid payment here in North Dakota. We have about 55,000 low income people in this state and children who benefit from Medicaid payments. By the way, the issue of how much we spend to fund Medicaid is very very important to our state. My expectation is that is going to be a big issue.

The second is base closing. May 16 Secretary Rumsfeld offers his version of what bases are to be closed in this country. They indicate that we have a 25 percent over capacity in military bases. A twenty-five percent over capacity and Secretary Rumsfeld expects this round to equal the closures in the previous four rounds combined. This will be a very aggressive base closing round. We have two great air force bases in North Dakota, one in Minot and one in Grand Forks, and we have the best Air National Guard Unit, I think, in the country, the Happy Hooligans in Fargo. The communities have done all they can, they have worked very hard. I will be in Minot meeting with the base retention group there. I commend all three communities, the congressional delegation, the governor, the state legislators, we have all worked together to be as prepared as we can for this base closing round. This happens very quickly. This will happen from May to September. The reason we have so much at stake here in North Dakota are the consequences of closing a base. Some studies suggest regional unemployment of 20% to 30%. This will play out from May 16 through September 8. I fervently hope that we can get through this round of closings.

Third, No Child Left Behind could have significant consequences for you. It's just a slogan of course, but it is a slogan that represents the title to some legislation. None of you have ever heard the other view, representing leaving a child behind. This slogan of No Child Left Behind is a slogan of accountability. We spend a lot of money on education and all of us aspire to see that there will be accountability for it. My great concern, however, having voted for the legislation, is that a. there is not sufficient funding for it and b. no flexibility. You can't put a template over a school in downtown New York that is identical to one over a school in Newtown or Mott. We need flexibility. The day after tomorrow, I am meeting with the assistant secretary of education on the subject, for example, what is "highly qualified" for elementary teachers in North Dakota? They have made an initial determination, that here in North Dakota, despite the fact that 3800 elementary school teachers have a license to teach, have a bachelor's degree, and are teaching in their major, which is elementary education, and have experience in the classroom, they are not necessarily "highly qualified". In my judgement that defies common sense. We have put some kids out of those classrooms with some of the highest scores in the world on tests. In fact, in one embassy we would have the second highest scores in the world. So you can't tell me that teachers that are teaching those kids are not highly qualified. And despite the fact that I voted for that law, I will say this that if we don't get some common sense in it's application, then I intend to introduce legislation to repeal it.

Finally, let me talk just one moment about Social Security. I know the President is coming to North Dakota on Thursday. I welcome him, it is an honor. Air Force One touches down in North Dakota and we welcome him. I have great respect for the President on this issue. I want to tell you with great respect, while I don't agree that there should be private accounts, I believe our responsibility is to strengthen and preserve social security systems as the core insurance for retirement and to further incentivize private investment accounts. Such as 401k's, IRA's, and private pension plans. There aren't many states that have more at stake in this debate than North Dakota. We have the fifth oldest population in America. We have a higher percentage of persons 85 years or older than any other state. I feel very strongly, the program that has lifted many thousands of people out of poverty over many years, a program according to the congressional budget office will remain solvent until the year 2052, a program without major surgery and without major change will be solvent for the long term, a program that does need some adjustment because people are living healthier, longer lives, which is good news. I believe, very strongly, with respect to retirement security you need a foundation. The foundation for us has been social security insurance retirement programs. The second and third stories are to substantially incentivize pensions, 401's, IRA's, and private accounts. While I think what we ought to do, is preserve and strengthen social security as a core insurance program, I also feel strongly that we ought to create second and third stories of retirement security and create a retirement investment bonus plan that further strengthens and further incentivizes those who are putting away money for their retirement with tax credits that are aggressive in which we now use. It is worthy to have a great debate, and I commend the President for it, but there are very strong feelings on both sides of the aisle and sometimes mixing feelings on both sides of the aisle. I feel that it is in our state's and country's interest to preserve and strengthen social security and to build upon it through tax incentives private investment account.

Finally, let me mention the issue of the Red River Valley Research Corridor. About 4 years ago, I called a meeting in Fargo and invited the presidents of most of our colleges to attend. I had Governor Hoeven attend and we had a good meeting. Instead of sending our best and brightest kids to work on world class research and cutting edge research in California, New York, Texas and Massachusetts, I suggested we create world class opportunities here in our state. I think we made significant progress in just a matter of several years. You are a part of that progress, you created some funding at the state level, and I believe that working together, we can do something very significant. I remember, in the back of these Chambers, when there was discussion about something John Odegaard wanted to do. My late friend John Odegaard wanted to build the Harvard of the skies here in North Dakota to have one of the world class centers of aviation. People called him about half goofy for suggesting that could happen up here in the center of the country. A small state, a small population. Do you know what he did, John Odegaard built a world class center for aviation science and we have one of the finest in the entire world right here. I went to meet with the President of Taiwan, and he said our university trains their air pilots. Around the world they know what we created here. The fact is we can create something else, a research corridor that instead of having our kids leave, they can stay here and work here in areas of microtechnology and the new areas of nanotechnology and carbon nanotubes. We should be able to look back in ten years and see that we have done something extraordinary, not for just our two major universities, but the tentacles reach out to our other colleges.

Finally, last Thursday I went to visit a young soldier at Walter Reed Hospital in Washington, D.C. He is a young man that I nominated for West Point about ten years ago. He is a Captain in the Army and was in Iraq and was injured severely. He lost his leg and is in critical condition and was airvacced out of Iraq. He is still in intensive care. I went to see his family and they

said they wanted me to look in on him. I looked in the doorway and his eyes were only half opened and he has tubes hanging all over him and I gave him the thumbs up sign and he saluted me. He, like so many in this country, have answered the call and don't complain, they represent the best in America. I think even as we agree and disagree in this democracy, we ought to always think about those who made the sacrifice for America's freedom. I encourage you to work on veterans' issues as we will continue to work in Congress because there are men and women who are in intensive care, some on the critical list, some on the battlefield, some just starting training who are willing to stand up and be counted for. Thank you very much.

MOTION

REP. MONSON MOVED that Senator Dorgan's remarks be printed in the Journal, which motion prevailed.

Let the record show that Rep. Galvin intended to vote yes on HB 1057.

SECOND READING OF HOUSE BILL

HB 1418: A BILL for an Act to amend and reenact section 12.1-29-03 of the North Dakota Century Code, relating to prostitution; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Ekstrom; Grande; Gulleason; Rennerfeldt

Engrossed HB 1418 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1293: A BILL for an Act to create and enact a new section to chapter 12.1-29 of the North Dakota Century Code, relating to hiring an individual to engage in sexual activity; 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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Brandenburg; Ekstrom; Grande; Gulleason; Rennerfeldt

Engrossed HB 1293 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1313: A BILL for an Act to amend and reenact sections 12.1-20-03, 12.1-20-03.1, and 12.1-32-06.1 of the North Dakota Century Code, relating to sentencing of sexual offenders; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Ekstrom; Grande; Gulleson; Rennerfeldt

Engrossed HB 1313 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1325: A BILL for an Act to amend and reenact section 5-01-16 of the North Dakota Century Code, relating to interstate sales of wine.

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, 1 NAY, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; 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; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Thorpe

ABSENT AND NOT VOTING: Boucher; Ekstrom; Grande; Gulleson; Rennerfeldt; Thoreson

Engrossed HB 1325 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1359: A BILL for an Act to amend and reenact section 13-01-14 of the North Dakota Century Code, relating to the amount of late payment charges on medical bills.

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 77 YEAS, 11 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Glassheim; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Metcalf; Mueller; Nelson; Nicholas; Norland; Nottestad;

Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Ruby; Sandvig; Schmidt; Sitte; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Amerman; Bellew; Brandenburg; DeKrey; Delzer; Froelich; Kroeber; Meyer, S.; Monson; Skarphol; Weisz

ABSENT AND NOT VOTING: Boucher; Ekstrom; Grande; Gulleson; Rennerfeldt; Solberg

Engrossed HB 1359 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1120: A BILL for an Act to create and enact a new subsection to section 65-05-32 of the North Dakota Century Code, relating to use of social security numbers by workforce safety and insurance; to amend and reenact sections 65-01-02, 65-01-17, and 65-05-20.1, subsection 1 of section 65-05-25, and section 65-05-30 of the North Dakota Century Code, relating to workforce safety and insurance definitions of child and grandchild, the agricultural employment exemption, scholarship fund distribution rules, lump sum settlements, and communications regarding medical treatment; and to provide for application.

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 61 YEAS, 27 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Bernstein; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dosch; Froseth; Galvin; Haas; Hawken; Headland; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Monson; Nelson; Nicholas; Norland; Nottestad; Pietsch; Pollert; Porter; Price; Ruby; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

NAYS: Aarsvold; Amerman; Conrad; Delmore; Dietrich; Drovdal; Froelich; Glassheim; Gulleson; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Owens; Potter; Sandvig; Schmidt; Sitte; Solberg; Thorpe; Zaiser

ABSENT AND NOT VOTING: Boe; Boucher; Ekstrom; Grande; Herbel; Rennerfeldt

Engrossed HB 1120 passed and the title was agreed to.

MOTION

REP. BERG MOVED that HB 1314 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1324: A BILL for an Act to create and enact a new section to chapter 49-05 of the North Dakota Century Code, relating to advance determination of prudence for a public utility's proposed new construction, lease, or improvement of an energy conversion facility, renewable energy facility, transmission facility, or proposed energy purchase contract.

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; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; 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; Ruby; Sandvig;

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

ABSENT AND NOT VOTING: Boe; Boucher; Ekstrom; Grande; Rennerfeldt

Engrossed HB 1324 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1387: A BILL for an Act to amend and reenact section 15-10-37 of the North Dakota Century Code, relating to the technology occupations student loan repayments.

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, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glasheim; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; 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; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Ruby

ABSENT AND NOT VOTING: Boe; Boucher; Ekstrom; Grande; Rennerfeldt

Engrossed HB 1387 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1413: A BILL for an Act to amend and reenact sections 5-01-08 and 5-02-06 of the North Dakota Century Code, relating to an underage person in a licensed alcohol establishment.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glasheim; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; 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; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Boucher; Ekstrom; Grande; Rennerfeldt

Engrossed HB 1413 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1048: A BILL for an Act to amend and reenact section 15.1-21-02 of the North Dakota Century Code, relating to required high school units; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 75 YEAS, 13 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Drovdal; Froelich; Froseth; Galvin; Gulleon; Haas; Hawken; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Price; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Bellew; Belter; Brandenburg; Carlson; Dosch; Glassheim; Hanson; Headland; Kerzman; Kroeber; Meier, L.; Pollert; Sandvig

ABSENT AND NOT VOTING: Boucher; Ekstrom; Grande; Nelson; Nicholas; Rennerfeldt

HB 1048 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. MONSON MOVED that HB 1206 be returned to the House Floor and placed on the Eleventh Order, which motion prevailed.

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 1027.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1283.

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 2265, SB 2288.

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 2046, SB 2077, SB 2086, SB 2130, SB 2132, SB 2212, SB 2220, SB 2244, SB 2271, SB 2277, SB 2293, SB 2297, SCR 4010, SCR 4011.

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., Tuesday, February 1, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1032: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1032 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1043, as amended, Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1043, as amended, was placed on the Sixth order on the calendar.

Page 1, line 6, after the comma insert "subsection 26 of section 57-39.2-04,"

Page 1, line 7, after the first comma insert "section 57-39.2-26.1,"

Page 2, line 25, after the first underscored comma insert "except for" and remove the second underscored comma

Page 2, line 26, remove "or alcoholic beverage gross receipts tax"

Page 5, line 8, after "57-39.2" insert ", 57-39.5, 57-39.6,"

Page 5, line 19, after "purposes" insert ", except for farm machinery gross receipts tax"

Page 7, line 14, replace the first underscored comma with "and" and remove ", and gross receipts"

Page 15, after line 15, insert:

"SECTION 7. AMENDMENT. Subsection 26 of section 57-39.2-04 of the North Dakota Century Code, as effective after December 31, 2005, is amended and reenacted as follows:

26. Gross receipts from sales of prosthetic devices, durable medical equipment, ~~or~~ mobility-enhancing equipment, or supplies for ostomy care or bladder dysfunction. For purposes of this subsection:

a. "Durable medical equipment" means equipment, not including mobility-enhancing equipment, for home use, including repair and replacement parts for such equipment, which:

- (1) Can withstand repeated use;
- (2) Is primarily and customarily used to serve a medical purpose;
- (3) Generally is not useful to a person in the absence of illness or injury; and
- (4) Is not worn in or on the body.

"Durable medical equipment" includes equipment and devices designed or intended for ostomy care and management and equipment and devices used exclusively for a person with bladder dysfunction.

b. "Mobility-enhancing equipment" means equipment, not including durable medical equipment, including repair and replacement parts for mobility-enhancing equipment, which:

- (1) Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either at home or in a motor vehicle;
- (2) Is not generally used by persons with normal mobility; and
- (3) Does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer.

"Mobility-enhancing equipment" includes crutches and wheelchairs for the use of disabled persons, equipment, including manual control units, van lifts, van door opening units, and raised roofs for attaching to or modifying a motor vehicle for use by a permanently physically disabled person, equipment, including elevators, dumbwaiters, chair lifts, and bedroom or bathroom lifts, whether or not sold for attaching to real property, for use by a permanently physically disabled person in that person's principal dwelling, and equipment, including manual control units, for attaching to or modifying motorized implements of husbandry for use by a permanently physically disabled person.

c. "Prosthetic device" means a replacement, corrective, or supportive device, including repair and replacement parts for such a device, worn on or in the body to:

- (1) Artificially replace a missing portion of the body;
- (2) Prevent or correct a physical deformity or malfunction; or

- (3) Support a weak or deformed portion of the body.

"Prosthetic device" includes artificial devices individually designed, constructed, or altered solely for the use of a particular disabled person so as to become a brace, support, supplement, correction, or substitute for the bodily structure including the extremities of the individual, artificial limbs, artificial eyes, hearing aids, and other equipment worn as a correction or substitute for any functioning portion of the body, artificial teeth sold by a dentist, and eyeglasses when especially designed or prescribed by an ophthalmologist, physician, oculist, or optometrist for the personal use of the owner or purchaser.

- d. ~~"Prosthetic device" and "durable medical equipment" include "Supplies for ostomy care or bladder dysfunction" includes:~~

- (1) ~~Artificial devices individually designed, constructed, or altered solely for the use of a particular disabled person so as to become a brace, support, supplement, correction, or substitute for the bodily structure including the extremities of the individual~~ Supplies designed or intended for ostomy care and management, including collection devices, colostomy irrigation equipment and supplies, skin barriers or skin protectors, and other supplies especially designed for use of ostomates.
- (2) ~~Artificial limbs, artificial eyes, hearing aids, and other equipment worn as a correction or substitute for any functioning portion of the body~~ Supplies to be used exclusively by a person with bladder dysfunction, including catheters, collection devices, incontinent pads and pants, and other items used for the care and management of bladder dysfunction.
- (3) ~~Artificial teeth sold by a dentist.~~
- (4) ~~Eyeglasses when especially designed or prescribed by an ophthalmologist, physician, oculist, or optometrist for the personal use of the owner or purchaser.~~
- (5) ~~Crutches and wheelchairs for the use of disabled persons.~~
- (6) ~~Equipment, including manual control units, van lifts, van door opening units, and raised roofs, for attaching to or modifying a motor vehicle for use by a permanently physically disabled person.~~
- (7) ~~Equipment, including elevators, dumbwaiters, chair lifts, and bedroom or bathroom lifts, whether or not sold for attaching to real property, for use by a permanently physically disabled person in that person's principal dwelling.~~
- (8) ~~Equipment, including manual control units, for attaching to or modifying motorized implements of husbandry for use by a permanently physically disabled person.~~
- (9) ~~Devices and supplies designed or intended for ostomy care and management to include collection devices, colostomy irrigation equipment and supplies, skin barriers or skin protectors, and other supplies especially designed for use of ostomates.~~
- (10) ~~Supplies, equipment, and devices to be used exclusively by a person with bladder dysfunction, including catheters, collection devices, incontinent pads and pants, and other items used for the care and management of bladder dysfunction."~~

Page 15, after line 25, insert:

"SECTION 9. AMENDMENT. Section 57-39.2-26.1 of the North Dakota Century Code is amended and reenacted as follows:

57-39.2-26.1. Allocation of revenues among political subdivisions.

Notwithstanding any other provision of law, a portion of sales, gross receipts, use, and motor vehicle excise tax collections, equal to forty percent of an amount determined by multiplying the quotient of one percent divided by the general sales tax rate, that was in effect when the taxes were collected, times the net sales, gross receipts, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-39.5, 57-39.6, 57-40.2, and 57-40.3 must be deposited by the state treasurer in the state aid distribution fund. The state tax commissioner shall certify to the state treasurer the portion of sales, gross receipts, use, and motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund as determined under this section. Revenues deposited in the state aid distribution fund are provided as a standing and continuing appropriation and must be allocated as follows:

1. Fifty-three and seven-tenths percent of the revenues must be allocated to counties in the first month after each quarterly period as provided in this subsection.
 - a. Sixty-four percent of the amount must be allocated among the seventeen counties with the greatest population, in the following manner:
 - (1) Thirty-two percent of the amount must be allocated equally among the counties; and
 - (2) The remaining amount must be allocated based upon the proportion each such county's population bears to the total population of all such counties.
 - b. Thirty-six percent of the amount must be allocated among all counties, excluding the seventeen counties with the greatest population, in the following manner:
 - (1) Forty percent of the amount must be allocated equally among the counties; and
 - (2) The remaining amount must be allocated based upon the proportion each such county's population bears to the total population of all such counties.

A county shall deposit all revenues received under this subsection in the county general fund. Each county shall reserve a portion of its allocation under this subsection for further distribution to, or expenditure on behalf of, townships, rural fire protection districts, rural ambulance districts, soil conservation districts, county recreation service districts, county hospital districts, the Garrison Diversion Conservancy District, the southwest water authority, and other taxing districts within the county, excluding school districts, cities, and taxing districts within cities. The share of the county allocation under this subsection to be distributed to a township must be equal to the percentage of the county share of state aid distribution fund allocations that township received during calendar year 1996. The governing boards of the county and township may agree to a different distribution.

2. Forty-six and three-tenths percent of the revenues must be allocated to cities in the first month after each quarterly period as provided in this subsection.
 - a. Nineteen and four-tenths percent of the amount must be allocated among cities with a population of eighty thousand or more, based upon the proportion each city's population bears to the total population of all such cities.
 - b. Thirty-four and five-tenths percent of the amount must be allocated among cities with a population of twenty thousand or more but fewer than eighty thousand, based upon the proportion each such city's population bears to the total population of all such cities.
 - c. Sixteen percent of the amount must be allocated among cities with a population of ten thousand or more but fewer than twenty thousand,

based upon the proportion each such city's population bears to the total population of all such cities.

- d. Four and nine-tenths percent of the amount must be allocated among cities with a population of five thousand or more but fewer than ten thousand, based upon the proportion each such city's population bears to the total population of all such cities.
- e. Thirteen and one-tenth percent of the amount must be allocated among cities with a population of one thousand or more but fewer than five thousand, based upon the proportion each such city's population bears to the total population of all such cities.
- f. Six and one-tenth percent of the amount must be allocated among cities with a population of five hundred or more but fewer than one thousand, based upon the proportion each such city's population bears to the total population of all such cities.
- g. Three and four-tenths percent of the amount must be allocated among cities with a population of two hundred or more but fewer than five hundred, based upon the proportion each such city's population bears to the total population of all such cities.
- h. Two and six-tenths percent of the amount must be allocated among cities with a population of fewer than two hundred, based upon the proportion each such city's population bears to the total population of all such cities.

A city shall deposit all revenues received under this subsection in the city general fund. Each city shall reserve a portion of its allocation under this subsection for further distribution to, or expenditure on behalf of, park districts and other taxing districts within the city, excluding school districts. The share of the city allocation under this subsection to be distributed to a park district must be equal to the percentage of the city share of state aid distribution fund allocations that park district received during calendar year 1996, up to a maximum of thirty percent. The governing boards of the city and park district may agree to a different distribution."

Page 22, after line 27, insert:

"Durable medical equipment" includes equipment and devices designed or intended for ostomy care and management and equipment and devices used exclusively for a person with bladder dysfunction."

Page 23, after line 6, insert:

"Mobility-enhancing equipment" includes crutches and wheelchairs for the use of disabled persons, equipment, including manual control units, van lifts, van door opening units, and raised roofs for attaching to or modifying a motor vehicle for use by a permanently physically disabled person, equipment, including elevators, dumbwaiters, chair lifts, and bedroom or bathroom lifts, whether or not sold for attaching to real property, for use by a permanently physically disabled person in that person's principal dwelling, and equipment, including manual control units, for attaching to or modifying motorized implements of husbandry for use by a permanently physically disabled person."

Page 23, after line 12, insert:

"Prosthetic device" includes artificial devices individually designed, constructed, or altered solely for the use of a particular disabled person so as to become a brace, support, supplement, correction, or substitute for the bodily structure including the extremities of the individual, artificial limbs, artificial eyes, hearing aids, and other equipment worn as a correction or substitute for any functioning portion of the body, artificial teeth sold by a dentist, and eyeglasses when especially designed or prescribed by an ophthalmologist, physician, oculist, or optometrist for the personal use of the owner or purchaser."

Page 23, line 13, replace "Prosthetic device" and "durable medical equipment" include:" with "Supplies for ostomy care or bladder dysfunction" includes:"

Page 23, line 14, remove "(1)" and overstrike "Artificial devices individually designed, constructed, or altered solely for"

Page 23, overstrike lines 15 through 17

Page 23, line 18, remove "(2)" and overstrike "Artificial limbs, artificial eyes, hearing aids, and other equipment worn"

Page 23, overstrike line 19

Page 23, line 20, remove "(3)" and overstrike "Artificial teeth sold by a dentist."

Page 23, line 21, remove "(4)" and overstrike "Eyeglasses when especially designed or prescribed by an"

Page 23, overstrike lines 22 and 23

Page 23, line 24, remove "(5)" and overstrike "Crutches and wheelchairs for the use of invalids and crippled persons."

Page 23, line 25, remove "(6)" and overstrike "Equipment, including manual control units, van lifts, van door opening"

Page 23, overstrike lines 26 and 27

Page 23, line 28, remove "(7)" and overstrike "Equipment, including elevators, dumbwaiters, chair lifts, and bedroom"

Page 23, overstrike lines 29 through 31

Page 24, line 1, remove "(8)" and overstrike "Equipment, including manual control units, for attaching to or modifying"

Page 24, overstrike lines 2 and 3

Page 24, line 4, replace "(9) Devices and supplies" with "(1) Supplies"

Page 24, line 8, replace "(10)" with "(2)" and remove ", equipment, and devices"

Page 28, line 18, replace "11" with "13"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1165: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1165 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 43-30 of the North Dakota Century Code, relating to exceptions to private investigative services licensing; to

Page 1, line 3, after "service" insert "; and to provide a penalty"

Page 1, line 10, replace "to be in an employer-employee relationship in which the" with "an employee under a contract of employment as defined in chapter 34-01, and not an independent contractor as defined by the "common law" test."

Page 1, remove lines 11 through 14

Page 2, line 15, replace "apprehension" with "location"

Page 4, after line 13, insert:

"10. A person providing mystery or secret shopping services, or providing a similar service, used for evaluating customer service, products, services, pricing, locations, or consumer issues so long as the evaluation is not for purposes of litigation or discovering violations of law.

SECTION 3. A new section to chapter 43-30 of the North Dakota Century Code is created and enacted as follows:

Fair housing law compliance - Exception - Penalty. This chapter does not apply to a person testing for fair housing law compliance who is employed by or volunteers with an organization recognized for this purpose under federal or state law and who meets the requirements, except for actual registration, of a registered private investigator established by the board. These requirements include a state and nationwide criminal history background check conducted by the bureau of criminal investigation and the federal bureau of investigation. The results of the state and nationwide criminal history background check must be on file with the organization. The board, at its request, may review the criminal history background check and other information related to any person conducting the compliance test. Any person who knowingly violates the requirements for an exception under this section is guilty of a class B misdemeanor."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1170: 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). HB 1170 was placed on the Sixth order on the calendar.

Page 1, line 3, after "sections" insert "15.1-09-34," and after "54-44.4-02" insert a comma

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 15.1-09-34 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-34. Contracts by school boards - Bids - Penalty.

1. Except as provided in this section, the board of a school district may not enter a contract involving the expenditure of an aggregate amount greater than twenty-five thousand dollars unless the school board has given ten days' notice by publication in the official newspaper of the district, received sealed bids, and accepted the bid of the lowest responsible bidder. This section does not apply to contracts for:
 - a. The personal services of district employees.
 - b. Textbooks and reference books.
 - c. Articles not sold on the open market.
 - d. Patented, copyrighted, or exclusively sold devices or features required to match articles already in use.
 - e. Patented, copyrighted, or exclusively sold articles so distinctive that only one brand can be purchased.
 - f. Building construction projects under chapters 48-01.1 and 48-02.
 - g. School transportation services purchased under section 15.1-30-11.
 - h. Vehicle fuel purchased under section 15.1-09-34.1.
 - i. Heating fuel purchased under section 15.1-09-34.1.
 - j. The purchase of a used motor vehicle, including a schoolbus, motorbus, or van, intended primarily for the transportation of students.
 - k. Cooperative purchases with the office of management and budget under chapter 54-44.4.

2. For purposes of this section, a "used motor vehicle" means a motor vehicle that has been previously owned or leased and which has an odometer reading in excess of eighteen thousand miles [28967 kilometers].
3. A board member who participates in a violation of this section is guilty of a class B misdemeanor."

Page 1, line 21, after "state" insert "after consideration of price, contractual terms and conditions, and the availability of competition from approved vendors under section 54-44.4-09"

Page 2, line 9, after "54-44.4-05" insert "and shall send notice to approved vendors of the office's intent to make a cooperative purchase in accordance with this chapter"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1193: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1193 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1222: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1222 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "The" with "At least ninety days before a statewide election at which an initiated measure will be voted upon, the"

Page 1, line 4, replace "an" with "the"

Page 1, line 5, replace "an initiated measure has" with "signed petitions have" and replace "approved" with "submitted"

Page 1, line 6, after "placement" insert "of an initiated measure"

Page 1, line 13, replace "arrange for the information to be available to the public" with "include a notice within the analysis required by section 16.1-01-07 specifying where copies of the statement of the estimated fiscal effect can be obtained"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1240: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1240 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1269: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1269 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1294: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1294 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "; and to" with a period

Page 1, remove lines 3 through 5

Page 1, remove lines 7 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 23

Page 3, remove the underscore under line 26

Page 3, line 27, remove the underscore under "creates vacancy. If a member of the legislative assembly establishes", remove "a", and remove the underscore under "residence outside the"

Page 3, remove the underscore under lines 28 and 29

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1311: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1311 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1320: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1320 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1362: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1362 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1374: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1374 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1392: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1392 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1405: Human Services Committee (Rep. Haas, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1405 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1419: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1419 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1423: Natural Resources Committee (Rep. Nelson, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1423 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1427: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (8 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). HB 1427 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1430: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1430 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "c," and remove the second comma

Page 1, line 4, remove "c," and remove the second comma

Page 1, remove lines 6 through 12

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1433: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1433 was placed on the Sixth order on the calendar.

Page 8, line 15, after "center" insert "or based on the best available data as determined by the county auditor"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1452: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1452 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "subsection 5 of section 16.1-02-05,"

Page 1, remove lines 22 and 23

Page 2, remove lines 1 through 8

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1453: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1453 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "or a former member"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3009: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3009 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3020: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3020 was placed on the Tenth order on the calendar.

Page 1, after line 5, insert:

"**WHEREAS**, the severe and extreme weather conditions also caused drought, which resulted in ranchers having to reduce the size of their herds; and"

Page 1, line 18, remove "and"

Page 1, line 19, after "and" insert "to recognize losses associated with herd reductions during the year of loss and losses associated with continuing herd reductions due to drought conditions; and"

Renumber accordingly

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

Bradley C. Fay, Chief Clerk

