

**JOURNAL OF THE HOUSE**

**Fifty-ninth Legislative Assembly**

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**Bismarck, March 16, 2005**

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

The prayer was offered by Pastor Steve Wisthoff, First Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Brandenburg, Charging, Nottestad, and Rennerfeldt.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 15, 2005, I have signed the following: HB 1032, HB 1046, HB 1054, HB 1095, HB 1110, HB 1113, HB 1142, HB 1170, HB 1198, HB 1202, HB 1208, HB 1220, HB 1233, HB 1243, HB 1260, HB 1281, HB 1306, HB 1366, HB 1395, and HB 1399.

**SIXTH ORDER OF BUSINESS**

**SPEAKER KLEIN DEEMED** approval of HB 1527 SB 2141, SB 2281, SB 2356 and SB 2375.

HB 1527, as amended, was placed on the Eleventh order of business on the calendar.

SB 2141, SB 2281, SB 2356 and SB 2375, as amended, were placed on the Fourteenth order of business on the calendar.

**SECOND READING OF HOUSE BILL**

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

**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; Brusegaard; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Guleson; 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; 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; Charging; Nottestad; Rennerfeldt

Engrossed HB 1525 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1528:** A BILL for an Act to provide for inspection and repair recommendations for the veterans' memorial on the capitol grounds.

**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; Brusegaard; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim;

Grande; Guleson; 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; 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; Charging; Nottestad; Rennerfeldt

Engrossed HB 1528 passed and the title was agreed to.

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#### MOTION

**REP. MARTINSON MOVED** that a committee of two be appointed to escort Miss North Dakota to the podium, which motion prevailed. The Speaker appointed Rep. Monson and Rep. Damschen to the escort committee.

#### REMARKS OF MISS NORTH DAKOTA - ASHLEY FORD

Good afternoon, I am very honored to be here today. I am Ashley Ford, Miss North Dakota from Cavalier. I am a junior at the University of North Dakota, although I took this whole year off to fulfill the duties of being Miss North Dakota.

A lot has happened ever since I was crowned last June. I have met many incredible people and have had the opportunity to travel across our great state. By the time my year is over, I will have given my message in over 70 schools. I have been so inspired by their smiles and interests. It is so touching to hear elementary students say they want to be just like me when they grow up.

I have also been working with my platform "Parkinsons Disease: the Painful Prison" due to the fact my grandfather had this disease. It was something I grew up with and has touched my heart. I have worked with the Parkinsons Action Network in Washington, D.C. I had the incredible opportunity of meeting with Sen. Byron Dorgan in his office there as well. I have joined a support group in Grand Forks and worked with the intelligent researchers from the University of North Dakota. It is amazing the touching stories I have heard and the thankful people for helping to fight for a cure for this incapacitating disease. Along with my platform and school tour, I have sang for a UND hockey game, various organizations, clubs, and sang at the Tsunami benefit with President Kupchella of UND. I am very proud to be an advocate for Parkinsons Disease, a role model for our students, and to represent our beautiful State of North Dakota.

I would like to thank the House for allowing me to address you today, I appreciate the work you do for our state and hope you have a productive session.

#### MOTION

**REP. BERG MOVED** that the remarks of Miss North Dakota be printed in the Journal, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2256:** A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to nonresident waterfowl hunting license fees; and to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting licenses.

#### 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 60 YEAS, 29 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; Conrad; DeKrey; Delmore; Delzer; Devlin; Drovdal; Galvin; Glassheim; Grande; Haas; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson; Nelson; Nicholas; Norland; Owens; Pollert; Porter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Boe; Boucher; Damschen; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Gulleeson; Hanson; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Pietsch; Potter; Sandvig; Skarphol; Thorpe; Timm; Zaiser

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Charging; Maragos; Nottestad

SB 2256 passed and the title was agreed to.

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#### MOTION

**REP. MONSON MOVED** that SB 2290 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2026:** A BILL for an Act to amend and reenact sections 43-07-02, 43-07-04, 43-07-10, 43-07-14, and 43-07-18 of the North Dakota Century Code, relating to licensure and regulation of contractors; to provide a penalty; 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 18 YEAS, 71 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Brusegaard; Delmore; Devlin; Galvin; Gulleeson; Herbel; Johnson, D.; Johnson, N.; Kaldor; Koppelman; Meyer, S.; Nelson; Nicholas; Pietsch; Ruby; Vigasaa; Wieland; Speaker Klein

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delzer; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Horter; Hunskor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Norland; Onstad; Owens; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Wald; Wall; Weiler; Weisz; Williams; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Brandenburg; Charging; Iverson; Maragos; Nottestad

Engrossed SB 2026 lost.

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#### MOTION

**REP. BERG MOVED** that the House reconsider its action whereby Engrossed SB 2026 failed to pass, which motion prevailed.

#### MOTION

**REP. BERG MOVED** that Engrossed SB 2026 be rereferred to the **Political Subdivisions Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, Engrossed SB 2026 was rereferred.

#### SECOND READING OF SENATE BILL

**SB 2237:** A BILL for an Act to amend and reenact sections 11-28.2-01 and 11-28.2-04 of the North Dakota Century Code, relating to requirements for establishment of a recreation service district and the powers of a recreation service district.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brusegaard; Carlisle; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson;

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

**NAYS:** Carlson; Delzer; Drovdal; Kempenich

**ABSENT AND NOT VOTING:** Boucher; Brandenburg; Charging; Maragos; Nottestad

SB 2237 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2324:** A BILL for an Act to amend and reenact subsection 3 of section 40-49.1-03 of the North Dakota Century Code, relating to combination of boards of park commissioners; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Boucher; Brandenburg; Charging; Maragos; Nottestad

Engrossed SB 2324 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2205:** A BILL for an Act to amend and reenact subsection 2 of section 39-24-03, subsection 6 of section 39-24-09, and section 39-24-09.1 of the North Dakota Century Code, relating to snowmobile registration and snowmobile operation by an individual who is at least twelve years of age.

### 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 57 YEAS, 33 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boe; Brusegaard; Conrad; Damschen; DeKrey; Delmore; Devlin; Ekstrom; Froelich; Galvin; Gulleon; Haas; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kempenich; Kerzman; Kingsbury; Koppelman; Kreidt; Kretschmar; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Ruby; Schmidt; Skarphol; Solberg; Svedjan; Uglem; Vigesaa; Wall; Weisz; Wieland; Williams; Wrangham; Speaker Klein

**NAYS:** Aarsvold; Amerman; Bellew; Boehning; Boucher; Carlisle; Carlson; Clark; Delzer; Dietrich; Dosch; Drovdal; Froseth; Glassheim; Grande; Hanson; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Klemm; Kroeber; Meier, L.; Rennerfeldt; Sandvig; Sitte; Thoreson; Thorpe; Timm; Wald; Weiler; Zaiser

**ABSENT AND NOT VOTING:** Brandenburg; Charging; Maragos; Nottestad

SB 2205 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2158:** A BILL for an Act to create and enact a new subsection to section 57-35.3-05 of the North Dakota Century Code, relating to a financial institutions tax credit for contributions made for tuition scholarships to rural leadership North Dakota; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 71 YEAS, 18 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Carlisle; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dosch; Drovdal; Ekstrom; Froelich; Galvin; Glassheim; Gullerson; Hanson; Hawken; Headland; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Onstad; Owens; Pietsch; Pollert; Rennerfeldt; Sandvig; Schmidt; Sitte; Solberg; Thoreson; Thorpe; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Klein

**NAYS:** Bellew; Brusegaard; Carlson; Delzer; Dietrich; Froseth; Grande; Haas; Herbel; Keiser; Kempenich; Porter; Potter; Price; Ruby; Svedjan; Timm; Wrangham

**ABSENT AND NOT VOTING:** Brandenburg; Charging; Maragos; Nottestad; Skarphol

SB 2158 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2240:** A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to verification of claims for farm residence property tax exemptions; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 85 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Drovdal; Kelsch, R.; Porter; Williams; Zaiser

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

**ABSENT AND NOT VOTING:** Brandenburg; Charging; Maragos; Nottestad

Engrossed SB 2240 lost.

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**SECOND READING OF SENATE BILL**

**SB 2242:** A BILL for an Act to amend and reenact subdivision a of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to ownership of a residence by a corporation, limited liability company, limited liability partnership, or limited partnership as a disqualifying factor for the farm building property tax exemption; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 82 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Delmore; Kelsch, R.; Porter; Potter; Ruby; Sandvig; Weiler

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

**ABSENT AND NOT VOTING:** Brandenburg; Charging; Ekstrom; Maragos; Nottestad

Engrossed SB 2242 lost.

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### SECOND READING OF SENATE BILL

**SB 2332:** A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to status as a retired farmer for purposes of the farm buildings and residence property tax exemption; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 81 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Dosch; Froseth; Keiser; Meier, L.; Porter; Ruby; Weiler

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

**ABSENT AND NOT VOTING:** Brandenburg; Charging; Maragos; Nottestad; Price

SB 2332 lost.

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### SECOND READING OF SENATE BILL

**SB 2282:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to accident and health insurance issuer independent external review requirements.

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

**ABSENT AND NOT VOTING:** Brandenburg; Charging; Maragos; Nottestad

Engrossed SB 2282 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2162:** A BILL for an Act to amend and reenact section 32-09.1-04 of the North Dakota Century Code, relating to notice of renewal of garnishment of earnings.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Brandenburg; Charging; Maragos; Nottestad

Engrossed SB 2162 passed and the title was agreed to.

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### SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

**SCR 4031:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting the Uniform Trust Code.

**SCR 4032:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting Revised Article 1 of the Uniform Commercial Code, General Provisions.

The question being on the final adoption of the resolutions, which have been read.

SCR 4031 and SCR 4032 were declared adopted on a voice vote, and the titles were agreed to.

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

**MR. PRESIDENT:** The House has failed to pass: SB 2271, SB 2330.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2082, SB 2132, SB 2150, SB 2201, SB 2252, SB 2295, SB 2349, SB 2401, SCR 4013, SCR 4016, SCR 4033.

### 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 1044, HB 1065, HB 1103, HB 1197, HB 1221, HB 1229, HB 1232, HB 1364, HB 1427, HB 1448, HCR 3024, HCR 3033.

### 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 1106, HB 1149, HB 1176, HB 1327, HB 1429, HB 1430, HB 1432, HCR 3010, HCR 3019.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2036, SB 2039, SB 2061, SB 2069, SB 2071, SB 2075, SB 2077, SB 2079, SB 2098, SB 2113, SB 2116, SB 2130, SB 2151, SB 2160, SB 2163, SB 2172, SB 2175, SB 2182, SB 2212, SB 2225, SB 2226, SB 2234, SB 2249, SB 2250, SB 2257, SB 2262, SB 2263, SB 2275, SB 2277, SB 2322, SB 2334, SB 2339, SB 2347, SB 2354, SB 2355, SB 2363, SB 2367, SB 2369, SB 2379, SB 2390.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2391, SB 2403, SB 2404, SB 2405.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1494.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1283.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1055, HB 1073, HB 1175, HB 1254, HB 1265, HB 1360, HB 1482, HCR 3013, HCR 3025, HCR 3026, HCR 3027.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1069, HB 1273, HB 1326, HB 1391, HB 1434, HB 1464, HB 1486, HCR 3005.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1069**

Page 1, line 2, after "54-52" insert ", a new section to chapter 54-52.1"

Page 1, line 5, after "system" insert "and the acceptance and expenditure of funds by the retirement board for the uniform group insurance program from third parties"

Page 1, line 16, replace "and" with "to provide a continuing appropriation;" and after "appropriation" insert "; and to provide an effective date"

Page 11, after line 25, insert:

**"SECTION 14.** A new section to chapter 54-52.1 of the North Dakota Century Code is created and enacted as follows:

Acceptance and expenditure of third-party payments - Continuing appropriation. The board may receive moneys from third parties, including the federal government, pursuant to one or more federal programs. Any money received from a third party by the board is appropriated to the board on a continuing basis for the board's use in paying benefits, premiums, or administrative expenses under the uniform group insurance program."

Page 14, line 9, replace "Sections" with "Section" and remove "and 54-52.6-09.3"

Page 14, line 10, replace "are" with "is"

Page 14, after line 10, insert:

**"SECTION 20. REPEAL.** Section 54-52.6-09.3 of the North Dakota Century Code is repealed."

Page 15, after line 3, insert:

**"SECTION 22. EFFECTIVE DATE.** Sections 3 through 7, 10, 13 through 16, 18, and 19 become effective on August 1, 2005."

Re-number accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1273**

Page 40, line 25, replace "who" with "that"

Page 41, line 26, replace "who" with "that"

Page 52, line 30, replace "who" with "that"

Page 104, line 8, replace "who" with "that"

Re-number accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1326**

Page 1, line 8, after "reptile" insert ", as defined by the state veterinarian"

Re-number accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1391**

Page 11, line 24, overstrike "who" and insert immediately thereafter "that"

Page 16, line 11, replace "19-19.1-39" with "10-19.1-39"

Page 47, line 4, remove "limited"

Page 47, line 5, replace the first "partnership" with "corporation" and replace "limited partnership" with "corporation"

Page 48, line 20, overstrike "a person" and insert immediately thereafter "an individual"

Page 52, line 5, overstrike "who" and insert immediately thereafter "that"

Page 58, line 15, overstrike "who" and insert immediately thereafter "that"

Page 60, line 28, replace "who" with "that"

Page 76, line 14, after "a" insert "member who is not a"

Page 83, line 17, replace "restating" with "reinstating"

Page 88, line 25, overstrike "who" and insert immediately thereafter "that"

Page 120, line 23, overstrike "who" and insert immediately thereafter "that"

Page 122, line 15, replace "who" with "that"

Page 123, line 9, replace "who" with "that"

Page 140, line 13, overstrike "who" and insert immediately thereafter "that"

Page 142, line 19, replace "Shareholder" with "Member"

Page 144, line 27, overstrike "a person" and insert immediately thereafter "an individual"

Page 146, line 3, remove "record" and overstrike the third comma

Page 152, line 23, overstrike "who" and insert immediately thereafter "that"

Page 154, line 10, replace "who" with "that"

Page 155, line 4, replace "who" with "that"

Page 158, line 20, overstrike "who" and insert immediately thereafter "that"

Page 203, line 22, overstrike "who" and insert immediately thereafter "that"

Page 205, line 8, replace "who" with "that"

Page 206, line 7, replace "who" with "that"

ReNUMBER accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1434**

Page 1, line 3, after "Act" insert "; and to amend and reenact section 54-35-21 of the North Dakota Century Code, relating to the interim no child left behind committee"

Page 1, replace lines 7 through 16 with:

"State accountability plan - Legislative review. Before the superintendent of public instruction may submit to the United States secretary of education any proposed changes in the state accountability plan required under the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301, et seq.], the superintendent shall present the proposed changes to the interim no child left behind committee. The committee shall review the proposed changes; accept testimony and documentary evidence regarding the impact of the proposed changes on the students, schools, school districts, and taxpayers of this state; and provide advice and recommendations regarding the proposed changes to the superintendent.

**SECTION 2. AMENDMENT.** Section 54-35-21 of the North Dakota Century Code is amended and reenacted as follows:

**54-35-21. No Child Left Behind Act of 2001 - ~~Select~~Interim committee - Appointment - Duties.**

1. The legislative council shall appoint ~~a select~~ an interim committee consisting of ~~five~~ four members of the senate and ~~six~~ five members of the house of representatives ~~for the purpose of investigating the adoption of. The committee shall study the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301 et seq.], its rationale, the promulgation of any including amendments to the Act, changes to federal regulations implementing the No Child Left Behind Act of 2001, the direct and indirect impact of the Act and its regulations on the school districts of this state, and the financial impact of the Act and its regulations on the budget of this state and on the taxpayers of this state Act, and any policy changes and letters of guidance issued by the United States secretary of education.~~
2. The legislative council shall designate the chairman and vice chairman of the committee.
3. The committee shall operate under the rules applicable to other legislative council committees, ~~except that the committee has the power to~~ may communicate directly with the United States secretary of education, employees of the United States department of education, and any other federal officials, both elected and appointed, regarding implementation of the ~~No Child Left Behind Act of 2001.~~
4. ~~When an agency files a notice of proposed rulemaking with the office of the legislative council under subsection 1 of section 28-32-10 on any matter governed by the No Child Left Behind Act of 2001, the agency shall provide a copy of the notice to the chairman of the committee. The chairman shall convene the committee within sixty days of receiving the notice, or as soon thereafter as practicable, for the purpose of receiving a presentation by the agency regarding the nature and scope of the proposed rules and for the purpose of receiving presentations by members of the public regarding the nature and scope of the proposed rules. The committee shall work with and encourage the testimony of public and private officials, including the superintendent of public instruction, the education standards and practices board, the state board of higher education, the North Dakota council of educational leaders, the North Dakota education association, the North Dakota school boards association, and the North Dakota Indian affairs commission. In addition, the committee shall actively seek the participation of students, parents, classroom teachers, school administrators, and other citizens of this state. The committee shall direct its efforts to ensuring that no child in this state is left behind and to further ensuring that no law or rule, be it federal or state, hinders or otherwise impedes the ability of this state's teachers, schools, and school districts to achieve this goal.~~
5. The committee shall report ~~to the fifty-ninth~~ its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative assembly ~~if the committee determines the state is not in compliance with any requirement of the No Child Left Behind Act of 2001.~~

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1464**

Page 1, line 14, remove "reasonable", after "records" insert "as allowed under section 44-04-18", and remove "If only the name and address is requested from any"

Page 1, remove lines 15 and 16

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1486**

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

Page 1, line 8, remove "1."

Page 1, remove lines 12 through 23

Page 2, remove lines 1 through 13

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE CONCURRENT**

Page 1, line 14, after "agency" insert "or a combination of agencies"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2024, SB 2033, SB 2159, SB 2170, SB 2191, SB 2202, SB 2211, SB 2219, SB 2345, SB 2410, and SCR 4027.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Thirteenth, and Fourteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, March 17, 2005, which motion prevailed.

**FIRST READING OF HOUSE BILL**

Reps. Berg, Drovdal, Kempenich, Norland, Rennerfeldt, Skarphol introduced:  
(Approved by the Delayed Bills Committee)

**HB 1530:** A BILL for an Act to create and enact a new subsection to section 57-51.1-01 and a new subsection to section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax exemption for oil from new horizontal or wildcat wells; to amend and reenact section 57-51.1-02 of the North Dakota Century Code, relating to an oil extraction tax rate reduction for oil from new horizontal or wildcat wells; to provide an effective date; to provide an expiration date; and to declare an emergency.

Was read the first time and referred to the **Finance and Taxation Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1529: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1529 was placed on the Sixth order on the calendar.

Page 2, after line 8, insert:

- "5. The Bank of North Dakota shall adopt rules governing the circumstances under which the Bank of North Dakota's contribution, as provided in subsection 1, must be forfeited. The conditions for forfeiture under this subsection must include a transfer of funds from the account for a nonpermitted purpose, a change of the designated beneficiary, the death of the designated beneficiary, the existence of a physical or mental disability that precludes the beneficiary from participating in higher education, and a nonqualified withdrawal.
6. The Bank of North Dakota shall administer and maintain the higher education savings account program in compliance with internal revenue service standards for such programs."

Page 3, line 8, replace "\$3,500,000" with "\$2,500,000"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2006, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2006 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "36,627" with "35,878"

Page 1, line 21, replace "\$3,374,535" with "\$3,375,284"

Page 1, line 22, replace "(3,402,222)" with "(3,402,971)"

Page 2, line 6, replace "711,051" with "710,302"

Page 2, line 10, replace "5,785,257" with "5,784,508"

Page 2, line 11, replace "5,235,070" with "5,234,321"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Senate Bill No. 2006 - Aeronautics Commission - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$713,895	\$711,051	(\$749)	\$710,302
Operating expenses	1,892,706	1,892,706		1,892,706
Capital assets	134,000	134,000		134,000
Grants	<u>3,047,500</u>	<u>3,047,500</u>		<u>3,047,500</u>
Total all funds	\$5,788,101	\$5,785,257	(\$749)	\$5,784,508
Less estimated income	<u>5,237,914</u>	<u>5,235,070</u>	<u>(749)</u>	<u>5,234,321</u>
General fund	\$550,187	\$550,187	\$0	\$550,187
FTE	6.00	6.00	0.00	6.00

##### Dept. 412 - Aeronautics Commission - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	TOTAL HOUSE CHANGES
Salaries and wages	(\$749)	(\$749)
Operating expenses		
Capital assets		
Grants		
Total all funds	(\$749)	(\$749)
Less estimated income	<u>(749)</u>	<u>(749)</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment reduces funding for state employee health insurance premiums from \$559.15 to \$553.95 per month.

#### REPORT OF STANDING COMMITTEE

**SB 2008, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2008 was placed on the Sixth order on the calendar.

Page 1, line 2, after "institutions" insert "; and to provide a contingent appropriation"

Page 1, line 14, replace "402,027" with "398,782"

Page 1, line 18, replace "536,614" with "533,369"

Page 2, line 1, replace "3,386,566" with "3,383,321"

Page 2, line 5, replace "4,193,879" with "4,190,634"

Page 2, after line 5, insert:

**"SECTION 4. CONTINGENT APPROPRIATION.** If Senate Bill No. 2195 is approved by the fifty-ninth legislative assembly, the department of financial institutions is appropriated out of any moneys in the financial institutions regulatory fund in the state treasury, not otherwise appropriated, the amount of \$32,169, or so much of that amount as is necessary, for the purpose of defraying the expenses of that agency, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2008 - Department of Financial Institutions - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$3,400,480	\$3,386,566	(\$3,245)	\$3,383,321
Operating expenses	779,813	779,813		779,813
Capital assets	7,500	7,500		7,500
Contingency	20,000	20,000		20,000
Contingent appropriation			<u>32,169</u>	<u>32,169</u>
Total all funds	\$4,207,793	\$4,193,879	\$28,924	\$4,222,803
Less estimated income	<u>4,207,793</u>	<u>4,193,879</u>	<u>28,924</u>	<u>4,222,803</u>
General fund	\$0	\$0	\$0	\$0
FTE	26.00	26.00	0.00	26.00

**Dept. 413 - Department of Financial Institutions - Detail of House Changes**

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE	PROVIDES A CONTINGENT APPROPRIATION FOR EMPLOYEE TRAVEL REIMBURSEMENT INCREASES	TOTAL HOUSE CHANGES
Salaries and wages	(\$3,245)		(\$3,245)
Operating expenses			
Capital assets			
Contingency			
Contingent appropriation		<u>\$32,169</u>	<u>32,169</u>
Total all funds	(\$3,245)	\$32,169	\$28,924
Less estimated income	<u>(3,245)</u>	<u>32,169</u>	<u>28,924</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

This amendment also provides a contingent appropriation to the Department of Financial Institutions in the amount of \$32,169 from the financial institutions regulatory fund for the increase in travel expense reimbursement for state employees provided in Engrossed Senate Bill No. 2195.

**REPORT OF STANDING COMMITTEE**

**SB 2032, as reengrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed SB 2032 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 15-20.1 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "experience program; to"

Page 1, line 12, replace "appropriations" with "an appropriation", after the second semicolon insert "and", after the second "provide" insert "an", and replace "dates; and to provide an" with "date."

Page 1, remove line 13

Page 11, remove lines 21 through 30

Page 22, remove lines 4 through 10

Page 23, after line 29, insert:

**"SECTION 16. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$129,272, or so much of the sum as may be necessary, to the department of commerce for the

purpose of funding the North Dakota American Indian business development office, for the biennium beginning July 1, 2005, and ending June 30, 2007. The department of commerce is authorized one full-time equivalent position.

**SECTION 17. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the state board of higher education for the purpose of performing the technology commercialization study, for the biennium beginning July 1, 2005, and ending June 30, 2007.

**SECTION 18. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$485,000, or so much of the sum as may be necessary, to the upper great plains transportation institute for the purpose of performing the transportation study, for the biennium beginning July 1, 2005, and ending June 30, 2007.

**SECTION 19. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$43,750, or so much of the sum as may be necessary, to the insurance commissioner for the purpose of performing the insurance and liability study, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Page 24, line 1, replace "10" with "9"

Page 24, line 2, replace "8" with "7" and replace "9" with "8"

Page 24, remove lines 4 and 5

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2074: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2074 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2087, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2087 was placed on the Sixth order on the calendar.

Page 2, line 7, overstrike "promulgate rules and regulations"

Page 2, line 8, overstrike "regarding" and insert immediately thereafter "determine"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2121, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (19 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2121 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2164, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2164 was placed on the Sixth order on the calendar.

Page 2, line 16, replace "individual" with "person"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2168, as reengrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2168 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to the provision of educational association progress reports; to"

Page 6, after line 30, insert:

**"SECTION 2.** A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Educational association - Progress report. At the conclusion of each school year, the administrator of each educational association governed by a joint powers agreement which the superintendent of public instruction has verified as meeting the requirements of section 15.1-07-28 shall file a report with the legislative council. The report must summarize the activities of the association and must specifically address the benefits that accrued to each school district as a result of the district's membership in the association."

Page 8, line 26, replace "\$2,000,000" with "\$1,000,000"

Page 8, line 28, replace "funding" with "matching funds"

Page 9, after line 11, insert:

"3. Any money that the superintendent of public instruction forwards to an eligible educational association under this section is contingent upon the association providing one and one-half dollars in matching funds for every dollar forwarded by the superintendent."

Page 9, line 12, replace "3." with "4."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2179, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2179 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "A majority of the" and insert immediately thereafter "The percentage of"

Page 1, line 9, overstrike the third comma and insert immediately thereafter "which"

Page 1, line 10, after "state" insert "must be at least ten percent in the second year of licensure, twenty percent in the third year of licensure, thirty percent in the fourth year of licensure, forty percent in the fifth year of licensure, and fifty-one percent in the sixth and subsequent years of licensure"

Page 1, line 11, overstrike "majority"

Page 1, line 15, overstrike "majority"

Page 1, line 22, overstrike "Before a domestic winery sells any wine, the licensee must register with the state"

Page 1, overstrike line 23

Page 1, line 24, overstrike "produced."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2209: Appropriations Committee (Rep. Svedjan, Chairman) recommends DO PASS** (16 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). SB 2209 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2213, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS**

(6 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2213 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "eighty-five" with "seventy-five"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2216, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2216 was placed on the Sixth order on the calendar.

Page 1, line 5, after the sixth comma insert "and" and remove ", and 49-21-24"

Page 1, line 19, remove the overstrike over "~~49-21-24~~,"

Page 12, line 13, after the first comma insert "and" and remove ", and 49-21-24"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2217, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2217 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "and" with "to amend and reenact section 4-10.5-07 of the North Dakota Century Code, relating to a levy on soybeans; to provide an appropriation; to provide a continuing appropriation; to provide for investments by the Bank of North Dakota;" and after "date" insert "; and to provide an expiration date"

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Section 4-10.5-07 of the North Dakota Century Code is amended and reenacted as follows:

**4-10.5-07. Tax levies - Collection - Reports - Refunds - Biodiesel production facility funding assistance by soybean growers association - Continuing appropriation.** ~~Effective August 1, 1995, an~~ An assessment at the rate of one-half of one percent of the value of the sale must be levied and imposed upon all soybeans sold to a designated handler. This assessment is due upon any identifiable lot or quantity of soybeans.

A separate and additional assessment of one-fourth of one percent of the value of the sale must be levied and imposed upon all soybeans sold to a designated handler. This assessment is due upon any identifiable lot or quality of soybeans.

A designated handler of soybeans shall file an application with the council on forms prescribed and furnished by the council. The forms must contain the name under which the designated handler is transacting business within the state, the designated handler's places of business, the location of loading and shipping places of agents of the designated handler, the names and addresses of the several persons constituting the firm partnership, if a corporation, the corporate name and the names and addresses of its principal officers and agents within the state, and, if a limited liability company, the limited liability company name and the names and addresses of its principal managers and agents within this state. The council shall issue a certificate to the designated handler. A designated handler may not sell, process, or ship any soybeans until it has furnished a certificate as required by this section.

Every designated handler of soybeans shall collect ~~the assessment~~ assessments imposed by this section by charging and collecting from the seller the assessment at the rate of one-half of one percent of the value of the sale and the assessment at the rate of one-fourth of one percent of the value of the sale by deducting the ~~assessment~~ assessments from the purchase price of all soybeans subject to the ~~assessment~~ assessments and purchased by the designated handler.

Every designated handler shall keep as a part of its permanent records a record of all purchases, sales, and shipments of soybeans, which may be examined by the council at all reasonable times. Every designated handler shall report to the council, in a manner and at a time prescribed by the council, stating the quantity in individual and

total amounts of soybeans received, sold, or shipped by it. The report must state from whom each individual amount was received. The remittance of the assessment as provided in this section must accompany the report. All moneys levied and collected under this chapter must be paid within thirty days of the end of each quarterly period to the council, which shall transfer revenue from the one-half of one percent assessment of the value of the sale levied under this section for deposit in the state treasury to the credit of an account designated "soybean fund" to be used exclusively to carry out this chapter and shall transfer the revenue from the separate and additional assessment of one-fourth of one percent of the value of the sale under this section for deposit in the biodiesel production incentive fund. Before transferring the revenue for deposit in the biodiesel production incentive fund, the council may deduct and retain an amount equal to its actual expenses of collection and administration of the additional assessment of one-fourth of one percent. Quarterly periods end on March thirty-first, June thirtieth, September thirtieth, and December thirty-first of each year. Regular audits of the council's accounts must be conducted in accordance with chapter 54-10 and submitted to the commissioner.

Any producer who sells soybeans to the first designated handler in this state and who pays the separate and additional assessment provided in this section may make application by personal letter to the council, within sixty days following the assessment or final settlement, to receive a refund application blank. Upon return of the blank properly executed by the producer and accompanied by a record of the assessment by the purchaser, the producer must be refunded the portion of the separate and additional assessment equal to one-fourth of one percent of the value of the sale. A refund paid under this section must be paid from the biodiesel production incentive fund and amounts necessary for refunds are appropriated as a standing and continuing appropriation to the council. If no request for refund has been made within sixty days following the assessment or final settlement, the producer is presumed to have agreed to the assessment. However, a producer who for any reason has paid the assessment more than once on the same soybeans, upon furnishing proof of this to the council, is entitled to a refund of the overpayment. The council shall develop and disseminate information and instructions to inform producers relating to the purpose of the separate and additional soybean tax levy and the manner in which refunds may be claimed.

The North Dakota soybean growers association may provide funding assistance from funds provided by legislative appropriation from the biodiesel production incentive fund for assistance to a producer to build and operate a biodiesel production facility in North Dakota for production of biodiesel from North Dakota soybeans. Any expenditure by the North Dakota soybean growers association must be approved by a majority vote of its board of directors."

Page 2, after line 15, insert:

**"SECTION 5. BIODIESEL FACILITY FUNDING APPROPRIATION.** There is appropriated out of any moneys in the biodiesel production incentive fund in the state treasury, not otherwise appropriated, the sum of \$2,500,000, or so much of the sum as may be necessary, to the North Dakota soybean growers association for the purpose of providing funding assistance for establishment of a biodiesel production facility in North Dakota as provided in section 4-10.5-07, for the biennium beginning July 1, 2005, and ending June 30, 2007.

**SECTION 6. BANK OF NORTH DAKOTA INVESTMENT IN BIODIESEL PRODUCTION FACILITY.** Of the funds the Bank of North Dakota may invest under subdivision c of subsection 4 of section 6-09-15 for the purpose of providing funds for investment in North Dakota alternative and venture capital investments and early-stage capital funds, the Bank of North Dakota shall reserve \$2,000,000 for investment in a new biodiesel production facility to be located in North Dakota. If no construction has commenced on such a facility by June 30, 2007, the \$2,000,000 reserved under this section may be released for other allowable investments."

Page 2, line 16, after "**DATE**" insert "**- EXPIRATION DATE**", after the second boldfaced period insert "Section 1 of this Act is effective for soybean assessments after June 30, 2005, and before July 1, 2007, and is thereafter ineffective.", replace "1" with "2", and replace "2" with "3"

Page 2, line 17, replace "1" with "31" and "3" with "4"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2260, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2260 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2266, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2266 was placed on the Sixth order on the calendar.

Page 1, line 1, after the second comma insert "and"

Page 1, line 2, remove ", and section 43-17.2-08"

Page 2, line 1, remove the overstrike over "~~up to~~", after the first "~~five~~" insert "ten", remove the overstrike over "~~recipients in~~", after the second "~~five~~" insert "ten", and remove the overstrike over "~~communities~~"

Page 2, line 2, remove "any number of recipients and communities"

Page 2, line 3, after "program" insert ", subject to the availability of funding for this purpose"

Page 2, line 26, remove the overstrike over "~~four~~" and remove "three"

Page 2, remove lines 28 through 31

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2297: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2297 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 876 of the House Journal, Senate Bill No. 2297 is amended as follows:

Page 1, line 3, remove "and"

Page 1, line 4, after "committee" insert "; to provide a continuing appropriation; and to provide an expiration date"

Page 1, line 8, after "**Functions**" insert "- Continuing appropriation"

Page 1, after line 15, insert:

"c. Accept funds, services, or other assistance from any source. Any funds received under this section are appropriated on a continuing basis to the committee for the purpose of furthering the objectives of the committee."

Page 2, line 13, after "**Functions**" insert "- Continuing appropriation"

Page 2, line 14, replace "generate its own" with "may accept funds, services, or other assistance from any source. Any funds received under this section are appropriated on a continuing basis to the regional or tribal committee for the purpose of furthering the objectives of the committee"

Page 2, line 15, remove "funding sources"

Page 3, after line 11, insert:

"**SECTION 5. EXPIRATION DATE.** This Act is effective through June 30, 2007, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2323, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (19 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2323 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2278, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2278 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2351, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2351 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2378, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2378 was placed on the Sixth order on the calendar.

Page 6, remove lines 18 through 22

Page 6, after line 23, insert:

"Garnishee or"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2409, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2409 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "operate a program to" with "implement a procedure to facilitate funding to nongovernmental entities that"

Page 1, line 10, replace "program" with "services"

Page 1, line 18, replace "program" with "funding"

Page 1, line 23, replace "operating an" with "implementing"

Page 1, line 24, replace "program" with "funding"

Page 2, line 1, replace "the program" with "this purpose"

Renumber accordingly

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

**Bradley C. Fay, Chief Clerk**

