

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

* * * * *

Bismarck, March 31, 2005

The House convened at 8:00 a.m., with Speaker Klein presiding.

The prayer was offered by Rev. Lee Gale, Federated Church, Grafton.

The roll was called and all members were present except Representatives Boe, Dosch, Keiser, and Wrangham.

A quorum was declared by the Speaker.

SECOND READING OF SENATE BILL

SB 2341: A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to drug abuse treatment for first-time felons; to amend and reenact subsections 7 and 8 of section 19-03.1-23 and section 62.1-02-01 of the North Dakota Century Code, relating to drug abuse treatment for first-time felons; to repeal section 19-03.1-30 of the North Dakota Century Code, relating to conditional discharge for possession as first offense; and to provide an appropriation.

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

NAYS: Galvin

ABSENT AND NOT VOTING: Boe; Dosch; Keiser; Wrangham

Engrossed SB 2341 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act to provide for a guardianship services system; and to provide an appropriation.

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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Boe; Dosch; Keiser; Koppelman; Wrangham

Engrossed SB 2028 passed and the title was agreed to.

MOTION

REP. BOUCHER MOVED to postpone the action to SB 2001 until Day 75 or the last day of session, which motion failed on a recorded roll call vote.

ROLL CALL

The roll was called and there were 26 YEAS, 63 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boucher; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Gulleason; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Williams; Zaiser

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

ABSENT AND NOT VOTING: Boe; Dosch; Keiser; Koppelman; Wrangham

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of state government; to provide a statement of legislative intent; to amend and reenact sections 54-03-10 and 54-03-20 of the North Dakota Century Code, relating to compensation of appropriations committee division chairmen and compensation of members of the legislative assembly; to provide for applications and transfers; to provide an effective date; to provide for retroactive application; 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 70 YEAS, 20 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gulleason; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kempenich; Kingsbury; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Metcalf; Monson; Nelson; Nicholas; Norland; Onstad; Owens; Pietsch; Pollert; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Wald; Wall; Weiler; Weisz; Wieland; Williams; Speaker Klein

NAYS: Aarsvold; Conrad; Delmore; Froelich; Hunskor; Kaldor; Kelsh, S.; Kerzman; Klemin; Kroeber; Meyer, S.; Mueller; Nottestad; Porter; Potter; Sandvig; Solberg; Thorpe; Vigesaa; Zaiser

ABSENT AND NOT VOTING: Boe; Dosch; Keiser; Wrangham

Engrossed SB 2001 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. MONSON MOVED that all the DO NOT CONCURS be adopted on the Twelfth Order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do not concur in the Senate amendments to HB 1017 as printed on HJ pages 1382-1383 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1017: Reps. Rennerfeldt, Brusegaard, Aarsvold.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do not concur in the Senate amendments to HB 1019 as printed on HJ pages 1390-1391 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1019: Reps. Martinson, Rennerfeldt, Aarsvold.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do not concur in the Senate amendments to HB 1020 as printed on HJ pages 1384-1386 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1020: Reps. Martinson, Wald, Gulleason.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PRICE MOVED that the House do not concur in the Senate amendments to HB 1231 as printed on HJ pages 1320-1321 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1231: Reps. Brusegaard, Weisz, Sandvig.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEVLIN MOVED that the House do not concur in the Senate amendments to HB 1421 as printed on HJ pages 1392-1396 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1421: Reps. Devlin, Koppelman, Ekstrom.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do not concur in the Senate amendments to HB 1465 as printed on HJ page 1343 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1465: Reps. Delzer, Price, Metcalf.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. CARLISLE MOVED that the House do concur in the Senate amendments to Engrossed HB 1005 as printed on HJ pages 1387-1388, which motion prevailed on a voice vote.

Engrossed HB 1005, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

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

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

NAYS: Froelich; Kerzman; Thorpe

ABSENT AND NOT VOTING: Boe; Dietrich; Dosch; Keiser; Wrangham

Engrossed HB 1005 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. CARLISLE MOVED that the House do concur in the Senate amendments to HB 1007 as printed on HJ pages 1388-1389, which motion prevailed on a voice vote.

HB 1007, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act to provide an appropriation for defraying the expenses of the labor commissioner.

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; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Drovdal; Froelich; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Boe; Dosch; Ekstrom; Keiser; Wrangham

Engrossed HB 1007 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DELZER MOVED that the House do concur in the Senate amendments to Engrossed HB 1014 as printed on HJ pages 1389-1390, which motion prevailed on a voice vote.

Engrossed HB 1014, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1014: A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy; and to provide a statement of legislative intent.

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; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor;

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

ABSENT AND NOT VOTING: Boe; Dosch; Keiser; Wrangham

Engrossed HB 1014 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Klein presiding.

REPORT OF STANDING COMMITTEE

SB 2007: 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). SB 2007 was placed on the Sixth order on the calendar.

Page 1, line 2, after "affairs" insert "; and to provide legislative intent"

Page 2, line 5, replace "\$172,347" with "\$247,032"

Page 2, line 6, replace "495,074" with "445,074"

Page 2, line 8, replace "350,536" with "225,851"

Page 2, line 9, replace "(984,496)" with "(996,290)"

Page 2, line 10, replace "1,335,032" with "1,222,141"

Page 2, line 13, replace "153,045" with "125,291"

Page 2, line 15, replace "196,539" with "168,785"

Page 2, line 16, replace "1,531,611" with "1,390,926"

Page 2, line 17, replace "\$1,027,990" with "\$1,039,784"

Page 2, line 18, replace "503,621" with "351,142"

Page 2, line 27, replace "7,803,390" with "7,728,705"

Page 2, line 28, replace "3,206,778" with "3,156,778"

Page 2, line 30, replace "11,367,731" with "11,243,046"

Page 3, line 1, replace "6,986,627" with "6,974,833"

Page 3, line 2, replace "4,381,104" with "4,268,213"

Page 3, line 5, replace "677,337" with "649,583"

Page 3, line 6, replace "677,337" with "649,583"

Page 3, line 7, replace "5,058,441" with "4,917,796"

Page 3, line 8, replace "6,986,627" with "6,974,833"

Page 3, line 9, replace "12,045,068" with "11,892,629"

Page 3, after line 9, insert:

"SECTION 4. LEGISLATIVE INTENT - VETERANS' HOME STAFFING POLICY. It is the intent of the fifty-ninth legislative assembly that the veterans' home review its policy of staffing for basic care services, including the number of licensed practical nurses as compared to certified nurse assistants scheduled for each shift and to present a report to the appropriations committees of the sixtieth legislative assembly during the agency's budget presentation regarding justification for the staffing policy and information on savings that may be realized from changes in the policy."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2007 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Veterans' Home				
Total all funds	\$11,367,731	\$11,367,731	(\$124,685)	\$11,243,046
Less estimated income	<u>6,986,627</u>	<u>6,986,627</u>	<u>(11,794)</u>	<u>6,974,833</u>
General fund	\$4,381,104	\$4,381,104	(\$112,891)	\$4,268,213
Department of Veterans' Affairs				
Total all funds	\$677,337	\$677,337	(\$27,754)	\$649,583
Less estimated income				
General fund	<u>\$677,337</u>	<u>\$677,337</u>	<u>(\$27,754)</u>	<u>\$649,583</u>
Bill Total				
Total all funds	\$12,045,068	\$12,045,068	(\$152,439)	\$11,892,629
Less estimated income	<u>6,986,627</u>	<u>6,986,627</u>	<u>(11,794)</u>	<u>6,974,833</u>
General fund	\$5,058,441	\$5,058,441	(\$140,645)	\$4,917,796

Senate Bill No. 2007 - Veterans' Home - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$7,803,390	\$7,803,390	(\$74,685)	\$7,728,705
Operating expenses	<u>3,206,778</u>	<u>3,206,778</u>	<u>(50,000)</u>	<u>3,156,778</u>
Capital assets	<u>357,563</u>	<u>357,563</u>		<u>357,563</u>
Total all funds	\$11,367,731	\$11,367,731	(\$124,685)	\$11,243,046
Less estimated income	<u>6,986,627</u>	<u>6,986,627</u>	<u>(11,794)</u>	<u>6,974,833</u>
General fund	\$4,381,104	\$4,381,104	(\$112,891)	\$4,268,213
FTE	90.97	90.97	0.00	90.97

Dept. 313 - Veterans' Home - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REDUCES COMPENSATION PACKAGE TO 3/4	REDUCES SALARIES AND WAGES LINE ITEM ²	REDUCES FUNDING FOR OPERATIONS ³	TOTAL HOUSE CHANGES
Salaries and wages	(\$12,106)	(\$22,579)	(\$40,000)		(\$74,685)
Operating expenses				(\$50,000)	(50,000)
Capital assets					
Total all funds	(\$12,106)	(\$22,579)	(\$40,000)	(\$50,000)	(\$124,685)
Less estimated income	<u>(11,794)</u>				<u>(11,794)</u>
General fund	(\$312)	(\$22,579)	(\$40,000)	(\$50,000)	(\$112,891)
FTE	0.00	0.00	0.00	0.00	0.00

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

² The House reduced the salaries and wages line item due to a change in the over-time policy.

³ The House reduced funding for operating expenses.

Senate Bill No. 2007 - Department of Veterans' Affairs - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Veterans' Affairs	<u>\$677,337</u>	<u>\$677,337</u>	<u>(\$27,754)</u>	<u>\$649,583</u>
Total all funds	\$677,337	\$677,337	(\$27,754)	\$649,583

Less estimated income				
General fund	\$677,337	\$677,337	(\$27,754)	\$649,583
FTE	6.00	6.00	0.00	6.00

Dept. 321 - Department of Veterans' Affairs - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REDUCES COMPENSATION PACKAGE TO 3/4	REMOVES FUNDING FOR ADMINISTRATIVE COMMITTEE TRAVEL EXPENSES ²	REDUCES FUNDING FOR PROFESSIONAL SERVICES ³	TOTAL HOUSE CHANGES
Veterans' Affairs	(\$749)	(\$2,005)	(\$20,000)	(\$5,000)	(\$27,754)
Total all funds	(\$749)	(\$2,005)	(\$20,000)	(\$5,000)	(\$27,754)
Less estimated income					
General fund	(\$749)	(\$2,005)	(\$20,000)	(\$5,000)	(\$27,754)
FTE	0.00	0.00	0.00	0.00	0.00

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

² The House removed funding to cover travel expenses of the Administrative Committee on Veterans' Affairs.

³ The House reduced funding for professional services.

SIXTH ORDER OF BUSINESS

SB 2007: REP. METCALF (Appropriations Committee) MOVED that the amendments be adopted with **DO PASS**.

REQUEST

REP. S. KELSH REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2007, which request was granted.

ROLL CALL

The question being the motion to adopt the amendments to SB 2007, the roll was called and there were 55 YEAS, 36 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; Damschen; DeKrey; Delzer; Devlin; Dosch; Drovdal; Froseth; Galvin; Grande; Hawken; Headland; Herbel; Horter; Iverson; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Koppelman; Kreidt; Maragos; Martinson; Meier, L.; Monson; Nicholas; Norland; Pietsch; Porter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

NAYS: Aarsvold; Amerman; Boucher; Charging; Conrad; Delmore; Dietrich; Ekstrom; Froelich; Glassheim; Guleson; Haas; Hanson; Hunskor; Johnson, D.; Kaldor; Kelsh, S.; Kerzman; Klemin; Kretschmar; Kroeber; Metcalf; Meyer, S.; Mueller; Nelson; Nottestad; Onstad; Owens; Potter; Sandvig; Schmidt; Solberg; Thorpe; Wall; Williams; Zaiser

ABSENT AND NOT VOTING: Boe; Brandenburg; Pollert

The motion to adopt the amendments to SB 2007 passed.

SB 2007 was placed on the Fourteenth order for immediate second reading.

SECOND READING OF SENATE BILL

SB 2007: A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and department of veterans' affairs; and to provide legislative intent.

ROLL CALL

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

YEAS: Aarsvold; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf;

Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Owens; Pietsch; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Amerman; Gulleson; Kelsh, S.; Kerzman; Onstad; Schmidt; Solberg; Thorpe

ABSENT AND NOT VOTING: Boe; Brandenburg; Pollert

SB 2007 passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

SB 2267, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2267 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 57-39.2-26.2 of the North Dakota Century Code, relating to allocation of sales, use, and motor vehicle excise tax revenues to a state matching program for senior citizen services and programs; to amend and reenact subsection 5 of section 57-15-56 and section 57-39.2-26 of the North Dakota Century Code, relating to a state matching program for senior citizen services and programs; to provide a continuing appropriation; to provide a statement of legislative intent; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 57-15-56 of the North Dakota Century Code is amended and reenacted as follows:

5. The department of human services state treasurer shall provide matching funds as provided in this subsection for the amounts levied by counties and cities for senior citizen services and programs operated pursuant to funded as required by this section. The grants must be made on or before March first of each year and must be equal to the amount levied for the previous taxable year by each county or city within the limitations of legislative appropriations, provided that no such to each eligible county. A county receiving a grant under this section which has not levied a tax under this section shall transfer the amount received to a city within the county which has levied a tax under this section. A grant may not be made to any county or city which that has not filed with the department of human services state treasurer a required written report verifying that grant funds received in the previous year under this subsection have been budgeted for the same purposes permitted for the expenditure of proceeds of a tax levied under this section. The written report must be received by the department of human services state treasurer on or before February first of each year following a year in which the reporting county or city received grant funds under this subsection. A matching fund grant must be provided from the senior citizen services and programs fund to each eligible county equal to two-thirds of the amount levied in dollars in the county under this section for the taxable year, but the matching fund grant applies only to a levy of up to one mill under this section.

A county or city may not levy a tax of more than one mill under this section unless the county or city has allocated from its funds to be raised or received under section 57-15-06, 57-15-08, or 57-39.2-26.1, or any combination of those fund sources, an amount for senior citizen services and programs which is at least equal to the revenue that would be generated by a levy of one-third of one mill on the taxable valuation of all property in the county subject to a levy under this section for the taxable year.

SECTION 2. AMENDMENT. Section 57-39.2-26 of the North Dakota Century Code is amended and reenacted as follows:

57-39.2-26. Allocation of revenue. ~~All~~ Except as provided by sections 57-39-26.1 and 57-39.2-26.2, all moneys collected and received under this chapter must be paid into the state treasury and must be credited by the state treasurer to the general fund. Moneys deposited with the commissioner as security for the payment of tax, penalties, or costs due must be deposited and accounted for as provided in subsection 3 of section 57-39.2-12.

SECTION 3. Section 57-39.2-26.2 of the North Dakota Century Code is created and enacted as follows:

57-39.2-26.2. Allocation of revenues to senior citizen services and programs matching fund - Continuing appropriation. Notwithstanding any other provision of law, a portion of sales, use, and motor vehicle excise tax collections equal to the amount of revenue that would have been generated by a levy of two-thirds of one mill on the taxable valuation of all property in the state subject to a levy under section 57-15-56 in the previous taxable year must be deposited by the state treasurer in the senior citizen services and programs fund during the period from July first through December thirty-first of each year. The state tax commissioner shall certify to the state treasurer the portion of sales, use, and motor vehicle excise tax revenues which must be deposited in the fund as determined under this section. Revenues deposited in the senior citizen services and programs fund are provided as a standing and continuing appropriation for allocation as provided in subsection 5 of section 57-15-56. Any unexpended and unobligated amount in the senior citizen services and programs fund at the end of the biennium must be transferred by the state treasurer to the state general fund.

SECTION 4. LEGISLATIVE INTENT - HOME-DELIVERED MEALS. It is the intent of the fifty-ninth legislative assembly that the department of human services encourage providers, to the extent possible, to allocate additional resources to make available more home-delivered meals for the biennium beginning July 1, 2005, and ending June 30, 2007.

SECTION 5. EFFECTIVE DATE. This Act is effective for tax collections received after June 30, 2005."

Renumber accordingly

SIXTH ORDER OF BUSINESS

SB 2267: REP. DELZER (Appropriations Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2267: A BILL for an Act to create and enact section 57-39.2-26.2 of the North Dakota Century Code, relating to allocation of sales, use, and motor vehicle excise tax revenues to a state matching program for senior citizen services and programs; to amend and reenact subsection 5 of section 57-15-56 and section 57-39.2-26 of the North Dakota Century Code, relating to a state matching program for senior citizen services and programs; to provide a continuing appropriation; to provide a statement of legislative intent; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; 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; Nottestad; Onstad; Owens; Pietsch; 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: Boe; Brandenburg; Pollert

Engrossed SB 2267 passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

SB 2373, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2373 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1170 of the House Journal, Reengrossed Senate Bill No. 2373 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the implementation of a pilot program at the state hospital for the treatment of individuals who are chemically dependent on methamphetamine or other controlled substances; to provide for a report to the legislative assembly; to provide an appropriation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Substance abuse treatment pilot program - State hospital - Costs of program. The department of human services shall implement a substance abuse treatment pilot program at the state hospital for the treatment and rehabilitation of individuals who are chemically dependent on methamphetamine or other controlled substances. The program must provide that the individual who receives treatment or other third-party payer is responsible for fifty percent of the cost of the treatment. The department shall pay the remaining fifty percent of the cost of treatment.

SECTION 2. REPORT TO LEGISLATIVE ASSEMBLY. The department of human services shall collect statistics regarding the operation of the pilot program, track participants in the pilot program, and provide a report to the sixtieth legislative assembly detailing the number of participants in the pilot program, the cost of the pilot program, relapse statistics, and other data concerning the effectiveness of the pilot program provided for under section 1 of this Act.

SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, and from other funds consisting of third-party and client payments, the sum of \$500,000, to the department of human services for the costs associated with establishing ten beds at the state hospital for the treatment of individuals who are chemically dependent on methamphetamine or other controlled substances, for the biennium beginning July 1, 2005, and ending June 30, 2007.

SECTION 4. EXPIRATION DATE. Section 1 of this Act is effective through June 30, 2007, and after that date is ineffective."

Renumber accordingly

SIXTH ORDER OF BUSINESS

SB 2373: REP. WIELAND (Judiciary Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2373: A BILL for an Act to provide for the implementation of a pilot program at the state hospital for the treatment of individuals who are chemically dependent on methamphetamine or other controlled substances; to provide for a report to the legislative assembly; to provide an appropriation; and to provide an expiration 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 83 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer;

Devlin; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Dosch; Galvin; Keiser; Ruby; Sitte; Weiler; Wrangham

ABSENT AND NOT VOTING: Boe; Brandenburg; Horter; Pollert

Engrossed SB 2373 passed and the title was agreed to.

MOTION

REP. BERG MOVED that the House reconsider its action whereby SB 2254 failed to pass, which motion prevailed on a verification vote.

MOTION

REP. BERG MOVED that SB 2254 be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, SB 2254 was rereferred.

MOTION

REP. MONSON MOVED that all the DO NOT CONCURS on the Twelfth Order be adopted, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do not concur in the Senate amendments to HB 1001 as printed on HJ pages 1386-1387 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1001: Reps. Thoreson, Kempenich, Williams.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do not concur in the Senate amendments to Engrossed HB 1002 as printed on HJ page 1381 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1002: Reps. Thoreson, Carlisle, Kroeber.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do not concur in the Senate amendments to HB 1011 as printed on HJ page 1389 and that a conference committee be appointed to meet with a like committee from the Senate.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1011: Reps. Kempenich, Thoreson, Kroeber.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEVLIN MOVED that the House do not concur in the Senate amendments to HB 1222 as printed on HJ pages 1344-1345 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1222: Reps. Carlson, Devlin, Zaiser.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. R. KELSCH MOVED that the House do not concur in the Senate amendments to HB 1434 as printed on HJ pages 1135-1136 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1434: Reps. Herbel, L. Meier, Hunskor.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2026: Reps. Koppelman, Wrangham, Ekstrom.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2037: Reps. Skarphol, Monson, Glassheim.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2047: Reps. Ruby, Weiler, S. Meyer.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2096: Reps. Vigesaa, Bernstein, Thorpe.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2188: Reps. Headland, Brandenburg, Schmidt.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2200: Reps. R. Kelsch, Owens, Delmore.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2205: Reps. Price, Owens, Schmidt.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2300: Reps. Kreidt, Pietsch, Kaldor.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2303: Reps. Haas, Grande, Potter.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2361: Reps. Devlin, Pietsch, Ekstrom.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do concur in the Senate amendments to HB 1004 as printed on HJ page 1387, which motion prevailed on a voice vote.

HB 1004, as amended, was placed on the Eleventh order of business.

MOTION

REP. BERG MOVED that HB 1004 be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do concur in the Senate amendments to HB 1022 as printed on HJ page 1397, which motion prevailed on a voice vote.

HB 1022, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1022: A BILL for an Act to provide an appropriation for defraying the expenses of workforce safety and insurance.

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; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer;

Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; 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; 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: Boe; Brandenburg; Horter; Pollert

Engrossed HB 1022 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do concur in the Senate amendments to HB 1163 as printed on HJ page 1344, which motion prevailed on a voice vote.

HB 1163, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1163: A BILL for an Act to create and enact a new subsection to section 6-01-17.1 of the North Dakota Century Code, relating to a fee for an application to merge by two or more credit unions; to amend and reenact subdivision g of subsection 1 of section 6-01-04.3, sections 6-06-05, 6-06-06.1, 6-06-08, 6-06-12, 6-06-13, 6-06-13.1, 6-06-14, 6-06-19, 6-06-20, 6-06-21, 6-06-26, and 6-08-15, and subsection 2 of section 6-08-16 of the North Dakota Century Code, relating to the use of the phrases credit union and corporate central credit union, the issuance of certificates of deposit, reports by credit unions, interest rate determinations, credit union board membership, credit union organization, credit union volunteers, credit union credit committee meetings, credit union loan and borrowing limitations, credit union committee loans, credit union reserve funds, credit union dividends, slander against financial institutions, and compliance with clearinghouse rules; and to repeal sections 6-06-21.1 and 6-06-39 of the North Dakota Century Code, relating to credit union reserve funds and share scaledowns.

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; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; 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.; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Monson

ABSENT AND NOT VOTING: Boe; Brandenburg; Horter; Iverson; Pollert; Wrangham

Engrossed HB 1163 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEVLIN MOVED that the House do concur in the Senate amendments to HB 1204 as printed on HJ page 832, which motion prevailed on a voice vote.

HB 1204, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1204: A BILL for an Act to amend and reenact section 50-30-02 of the North Dakota Century Code, relating to the North Dakota health care trust fund; and to repeal section

50-24.4-30 of the North Dakota Century Code, relating to the government nursing facility funding pool.

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; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; 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; 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: Boe; Brandenburg; Horter; Pollert

HB 1204 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PRICE MOVED that the House do concur in the Senate amendments to HB 1206 as printed on HJ page 940, which motion prevailed on a voice vote.

HB 1206, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1206: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to provider appeals of medical assistance reimbursement denials; and to amend and reenact section 50-24.1-15 of the North Dakota Century Code, relating to prehospital emergency medical services.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; 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; 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: Boe; Brandenburg; Delzer; Horter; Pollert

Engrossed HB 1206 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. R. KELSCH MOVED that the House do concur in the Senate amendments to HB 1230 as printed on HJ page 917, which motion prevailed on a verification vote.

HB 1230, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1230: A BILL for an Act to amend and reenact section 15.1-22-01 of the North Dakota Century Code, relating to the provision of kindergarten programs; and to develop a plan for the provision of full-day kindergarten.

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 48 YEAS, 40 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Boucher; Brusegaard; Conrad; DeKrey; Delmore; Dietrich; Drovdal; Ekstrom; Glassheim; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Kretschmar; Kroeber; Maragos; Meier, L.; Metcalf; Meyer, S.; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Porter; Potter; Sandvig; Schmidt; Solberg; Svedjan; Thorpe; Uglem; Wall; Zaiser

NAYS: Bellew; Belter; Bernstein; Boehning; Carlisle; Carlson; Charging; Clark; Damschen; Delzer; Devlin; Dosch; Froelich; Froseth; Galvin; Grande; Iverson; Kasper; Keiser; Kerzman; Klemm; Koppelman; Kreidt; Martinson; Monson; Owens; Pietsch; Rennerfeldt; Ruby; Sitte; Skarphol; Thoreson; Timm; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Boe; Brandenburg; Horter; Pollert; Price; Williams

HB 1230 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to HB 1235 as printed on HJ page 1399, which motion prevailed on a voice vote.

HB 1235, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1235: A BILL for an Act to amend and reenact section 31-13-03 of the North Dakota Century Code, relating to which offenders are subject to DNA testing.

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 80 YEAS, 8 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Carlson; Delzer; Skarphol; Thoreson; Timm; Weisz; Wrangham

ABSENT AND NOT VOTING: Boe; Brandenburg; Horter; Pollert; Price; Williams

Engrossed HB 1235 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NELSON MOVED that the House do concur in the Senate amendments to HB 1238 as printed on HJ page 888, which motion prevailed on a voice vote.

HB 1238, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1238: A BILL for an Act to amend and reenact subsection 3 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis and preferential landowner licenses to hunt deer.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Amerman; Boe; Brandenburg; Horter; Pollert; Price; Williams

HB 1238 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NELSON MOVED that the House do concur in the Senate amendments to HB 1239 as printed on HJ page 1283, which motion prevailed on a voice vote.

HB 1239, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1239: A BILL for an Act to amend and reenact section 20.1-01-07 of the North Dakota Century Code, relating to offroad hunting.

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

YEAS: Bellew; Belter; Berg; Bernstein; Boehning; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Devlin; Drovdal; Froelich; Froseth; Galvin; Grande; Gulleon; Haas; Hawken; Herbel; Iverson; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Metcalf; Meyer, S.; Monson; Nelson; Nicholas; Owens; Pietsch; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Weisz; Wieland; Wrangham; Zaiser; Speaker Klein

NAYS: Aarsvold; Charging; Conrad; Damschen; Delmore; Delzer; Dietrich; Dosch; Ekstrom; Glassheim; Hanson; Headland; Hunskor; Kaldor; Keiser; Kelsh, S.; Kroeber; Meier, L.; Mueller; Norland; Nottestad; Onstad; Price; Wall; Weiler; Williams

ABSENT AND NOT VOTING: Amerman; Boe; Boucher; Brandenburg; Horter; Pollert; Wald

Engrossed HB 1239 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HAAS MOVED that the House do concur in the Senate amendments to HB 1266 as printed on HJ page 871, which motion prevailed on a voice vote.

HB 1266, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1266: A BILL for an Act to create and enact a new subsection to section 54-52.6-02 of the North Dakota Century Code, relating to returning to employment after retirement under the public employees retirement system defined contribution retirement plan; to amend and reenact subsection 1 of section 54-52-05 of the North Dakota Century Code, relating to returning to employment after retirement under the public employees retirement system defined benefit retirement plan; 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 88 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Skarphol

ABSENT AND NOT VOTING: Boe; Boucher; Brandenburg; Horter; Pollert

HB 1266 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to HB 1272 as printed on HJ page 1215, which motion prevailed on a voice vote.

HB 1272, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1272: A BILL for an Act to amend and reenact section 4-28-03 of the North Dakota Century Code, relating to membership of the wheat commission; and to provide for a legislative council study.

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 78 YEAS, 11 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Amerman; Bellew; Brusegaard; Delzer; Gulleon; Kasper; Koppelman; Skarphol; Timm; Wieland; Wrangham

ABSENT AND NOT VOTING: Boe; Boucher; Brandenburg; Horter; Pollert

Engrossed HB 1272 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to HB 1273 as printed on HJ page 1134, which motion prevailed on a voice vote.

HB 1273, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1273: A BILL for an Act to create and enact chapter 45-10.2 of the North Dakota Century Code, relating to limited partnerships; to amend and reenact subsections 1 and 4 of section 10-19.1-13, subsections 1 and 5 of section 10-32-10, subsections 1 and 5 of section 10-33-10, section 43-07-19, subsection 2 of section 45-11-01, subsections 1

and 5 of section 45-13-04.1, subsection 3 of section 45-21-01, subsection 5 of section 45-21-02, subsections 1 and 5 of section 45-22-04, subsections 11 and 15 of section 45-23-01, section 45-23-02, subsections 1 and 5 of sections 45-23-03, sections 45-23-04 and 45-23-07, subsection 18 of section 45-23-08, and subsection 3 of section 54-44.4-09 of the North Dakota Century Code, relating to limited partnerships and references to chapter 45-10.2; to repeal chapter 45-10.1 and section 45-12-01 of the North Dakota Century Code, relating to limited partnerships and provisions for existing limited partnerships; 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; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; 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; 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: Boe; Brandenburg; Horter; Pollert

Engrossed HB 1273 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NELSON MOVED that the House do concur in the Senate amendments to HB 1276 as printed on HJ pages 1215-1216, which motion prevailed on a voice vote.

HB 1276, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1276: A BILL for an Act to create and enact two new sections to chapter 20.1-03 of the North Dakota Century Code, relating to powers of the game and fish director and guiding on prohibited lands; to amend and reenact subsection 25 of section 20.1-01-02 and sections 20.1-03-37, 20.1-03-38, 20.1-03-39, and 20.1-03-40 of the North Dakota Century Code, relating to licensing and qualifications of guides and outfitters; 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 86 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Froelich; Kerzman; Meyer, S.; Solberg

ABSENT AND NOT VOTING: Boe; Brandenburg; Horter; Pollert

Engrossed HB 1276 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. R. KELSCH MOVED that the House do concur in the Senate amendments to HB 1311 as printed on HJ page 1396, which motion prevailed on a voice vote.

HB 1311, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1311: A BILL for an Act to amend and reenact section 37 of chapter 667 of the 2003 Session Laws, relating to contingent payments; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gullerson; Haas; Hanson; Hawken; Headland; Hunsakor; 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; 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: Herbel

ABSENT AND NOT VOTING: Boe; Brandenburg; Horter; Pollert

HB 1311 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to HB 1312 as printed on HJ page 1001, which motion prevailed on a voice vote.

HB 1312, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1312: A BILL for an Act to create and enact a new section to chapter 32-19 of the North Dakota Century Code, relating to deficiency judgments on agricultural land; and to amend and reenact section 32-19-06 of the North Dakota Century Code, relating to foreclosures of real estate mortgages.

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: Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Owens; Pietsch; 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: Aarsvold; Charging; Keiser; Onstad

ABSENT AND NOT VOTING: Boe; Brandenburg; Delzer; Horter; Pollert

Engrossed HB 1312 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to HB 1313 as printed on HJ page 1345, which motion prevailed on a voice vote.

HB 1313, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1313: A BILL for an Act to create and enact a new subsection to section 12.1-20-01 of the North Dakota Century Code, relating to the age of a person engaging in sexual conduct with a minor; 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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

Engrossed HB 1313 passed and the title was agreed to.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2007, SB 2157, SB 2373.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2341.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2001.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1001, HB 1002, HB 1011, HB 1222, and HB 1434 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1001: Reps. Thoreson; Kempenich; Williams

HB 1002: Reps. Thoreson; Carlisle; Kroeber

HB 1011: Reps. Kempenich; Thoreson; Kroeber

HB 1222: Reps. Carlson; Devlin; Zaiser

HB 1434: Reps. Herbel; L. Meier; Hunskor

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1005, HB 1007, and HB 1014.

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

MR. PRESIDENT: The House has passed unchanged: SB 2028.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1017, HB 1019, HB 1020, HB 1231, HB 1421, and HB 1465 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1017: Reps. Rennerfeldt; Brusegaard; Aarsvold

HB 1019: Reps. Martinson; Rennerfeldt; Aarsvold

HB 1020: Reps. Martinson; Wald; Gulleeson

HB 1231: Reps. Brusegaard; Weisz; Sandvig

HB 1421: Reps. Devlin; Koppelman; Ekstrom

HB 1465: Reps. Delzer; Price; Metcalf

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2026: Reps. Koppelman; Wrangham; Ekstrom

SB 2037: Reps. Skarphol; Monson; Glassheim

SB 2047: Reps. Ruby; Weiler; S. Meyer

SB 2096: Reps. Vigesaa; Bernstein; Thorpe

SB 2188: Reps. Headland; Brandenburg; Schmidt

SB 2200: Reps. R. Kelsch; Owens; Delmore

SB 2205: Reps. Price; Owens; Schmidt

SB 2300: Reps. Kreidt; Pietsch; Kaldor

SB 2303: Reps. Haas; Grande; Potter

SB 2361: Reps. Devlin; Pietsch; Ekstrom

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

MR. PRESIDENT: The Speaker has signed: SB 2041, SB 2087, SB 2102, SB 2118, SB 2125, SB 2141, SB 2147, SB 2181, SB 2195, SB 2215, SB 2216, SB 2246, SB 2265, SB 2282, SB 2326, SB 2340, SB 2348, SB 2356, SB 2393, SB 2395.

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

MR. PRESIDENT: The Speaker has signed: SB 2232, SB 2290, SB 2325, SB 2335, SB 2362, SB 2375, SB 2378.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 31, 2005: HB 1060, HB 1065, HB 1124, HB 1127, HB 1152, HB 1164, HB 1293.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4040.

FOR INFORMATION ONLY

LIST OF AMENDMENT LC NUMBERS AND THE BILLS THE SENATE AMENDED

Bill Number LC Number

HB 1008 58031.0202

HB 1370 50534.0201

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

MR. SPEAKER: The Senate has passed unchanged: HB 1043.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1042, HB 1289, HB 1417, HB 1454, HB 1497, HB 1500.

SENATE AMENDMENTS TO HOUSE BILL NO. 1042

Page 1, line 3, after "board" insert "and state and local advisory council"

Page 1, line 7, after "**board**" insert "**and state and local advisory council**" and after the boldfaced period insert:

"1."

Page 1, line 10, after the period insert:

"2. One member of the house of representatives and one member of the senate, to be appointed by the chairman of the legislative council, shall represent the state of North Dakota on the streamlined sales tax state and local advisory council.

3."

Page 1, line 13, after "board" insert "or council"

Re-number accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1289

Page 1, line 15, after "~~the~~" insert "The", remove the overstrike over "~~petition and~~", after "~~chapter~~" insert "any proceeding under section 25-03.3-11", and remove the overstrike over "~~are~~"

Page 1, remove the overstrike over lines 16 through 21

Page 1, line 22, remove the overstrike over "~~governmental duties~~" and insert immediately thereafter an underscored period

Page 1, line 23, replace "this chapter" with "section 25-03.3-13" and remove "or considered by"

Page 1, line 24, replace "except that" with "with the exception of a proceeding involving an individual who has not been convicted of a sexual act as defined in section 25-03.3-01.
The"

Page 2, line 1, remove "the"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1417

Page 7, line 24, after the second comma insert "and"

Page 7, line 25, after "and" insert "may include" and remove the overstrike over "~~the district committee of all legislative districts~~"

Page 7, remove the overstrike over line 26

Page 7, line 27, remove the overstrike over "~~chairmen~~" and remove "each"

Page 7, line 28, replace "The district" with "A representative of the district committee may participate in the county canvassing board if the district chairman gives notice to the county auditor of the intent to participate before the meeting of the county canvassing board"

Page 7, remove line 29

Page 7, line 30, remove "respective political party representative"

Re-number accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1454

Page 1, line 14, remove "and "retailer" means a company for which the primary business is the renting of motor"

Page 1, line 15, remove "vehicles for periods of fewer than thirty days"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1497

Page 1, line 3, after "sections" insert "16.1-13-20," and remove the second "and"

Page 1, line 4, after "16.1-13-25" insert "," and "16.1-15-08"

Page 7, line 17, overstrike "principals" and insert immediately thereafter "principles"

Page 7, line 20, overstrike "principal" and insert immediately thereafter "principle"

Page 7, line 24, overstrike "principal" and insert immediately thereafter "principle"

Page 7, line 25, overstrike "principal" and insert immediately thereafter "principle"

Page 8, line 17, overstrike "principal" and insert immediately thereafter "principle"

Page 8, line 19, overstrike "principal" and insert immediately thereafter "principle"

Page 9, line 28, after "line" insert " , except that a write-in candidate for a nonfederal office may make a timely written demand to a county canvassing board to identify and preserve any write-in vote cast for the office sought by the write-in candidate for canvass by the board. The candidate shall deliver the demand to the county auditor and a copy to the clerk of district court no later than thirty-six hours before the time the county canvassing board is scheduled to meet. A demand only may be made if the unofficial election results maintained by the county auditor demonstrate that the write-in candidate's known vote total is within the pertinent percentage limits provided in subsection 1 or 2 of section 16.1-16-01 and a statement to that effect is included in the demand. After delivery of the ballots as provided by section 16.1-15-08, the canvassing board shall review the ballots to identify any ballot that contains a write-in vote. The county canvassing board shall tally and canvass any write-in vote in the same manner as lawful or qualifying write-in votes if the canvassing board is able to clearly ascertain the intent of the voter from examining the ballot because the write-in candidate's name has been written on the ballot opposite the office to be voted for or because of any other cogent evidence of intent"

Page 10, after line 6, insert:

"SECTION 13. AMENDMENT. Section 16.1-13-20 of the North Dakota Century Code is amended and reenacted as follows:

16.1-13-20. Examination of ballot box before opening of polls - Regulations for ballot box while polls are open. Before declaring the polls open, the inspector and the election judges shall inspect the ballot box to assure that it is empty. The ballot box must then be locked. While the polls are open, the ballot box must remain locked except as may be necessary to clear a ballot jam or to move voted ballots to a separate locked ballot box to make room for additional ballots."

Page 11, after line 24, insert:

"SECTION 17. AMENDMENT. Section 16.1-15-08 of the North Dakota Century Code is amended and reenacted as follows:

16.1-15-08. Wrapping and returning of ballots to clerk of the district court. After having prepared the reports and poll lists provided for in section 16.1-15-06 for delivery to the county auditor, the election board shall cause the ballots of each kind cast at the election to be placed in a suitable wrapper to form a complete wrapper for the ballots. The ballots and wrappers must then be tightly secured at the outer end to completely envelop and hold the ballots together. Ballots that are void must be secured in a separate wrapper and must be marked "void". Ballots that are spoiled must be separately secured and marked "spoiled". In sealing ballots, the various classes of ballots must be kept separate. Each wrapper must be endorsed with the name or number of the precinct and the date on which the election was held. The wrappers must be sealed securely in a manner prescribed by the secretary of state so the wrappers cannot be opened without an obvious and permanent breaking of the seal. The ballots, together with those found void or spoiled, and the opened envelopes from voted absentee ballots and the unopened envelopes of absentee ballots rejected as defective, must be returned in person to the clerk of the district court. At the meeting of the county canvassing board, the clerk of the district court shall deliver each ballot that may contain a write-in vote referenced in a demand made under subsection 1 of section 16.1-12-02.2. Ballots used with any electronic voting system or counted by an electronic counting machine must be sealed and returned as provided in this section."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1500

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to identity fraud; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 51 of the North Dakota Century Code is created and enacted as follows:

Definitions.

1. "Consumer" means an individual.
2. "Consumer report" has the same meaning as provided in 15 U.S.C. 1681a(d).
3. "Consumer reporting agency" means any person that, for monetary fees or dues or on a cooperative nonprofit basis, regularly engages in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and which uses any means or facility of interstate or intrastate commerce for the purpose of preparing or furnishing consumer reports. The term does not include an agency that compiles and maintains files on consumers on a nationwide basis, as described in 15 U.S.C. 1681a(p).
4. "File", when used in connection with information on any consumer, means all of the information on that consumer reported and retained by a consumer reporting agency regardless of how the information is stored.

Initial fraud alerts. Upon the direct request of a consumer or an individual acting on behalf of or as a personal representative of a consumer, who asserts in good faith a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, a consumer reporting agency that maintains a file on the consumer and has received appropriate proof of the identity of the requester shall include a fraud alert in the file of that consumer. The consumer reporting agency shall continue that alert along with any credit score generated in using that file, for a period of not less than ninety days beginning on the date of the request, unless the consumer or the consumer's representative requests that the fraud alert be removed before the end of the period and the agency has received appropriate proof of the identity of the requester for that purpose.

Extended fraud alerts. Upon the direct request of a consumer or an individual acting on behalf of or as a personal representative of a consumer, who asserts in good faith a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, a consumer reporting agency that maintains a file on the consumer and has received appropriate proof of the identity of the requester shall:

1. Include a fraud alert in the file of that consumer and continue that alert along with any credit score generated in using that file, during the seven-year period beginning on the date of the request, unless the consumer or the consumer's representative requests that the fraud alert be removed before the end of that period and the agency has received appropriate proof of the identity of the requester for that purpose; and
2. During the five-year period beginning on the date of the request, exclude the consumer from any list of consumers prepared by the consumer reporting agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer or the consumer's representative requests that the exclusion be rescinded before the end of that period.

Police reports - Judicial determination of factual innocence.

1. An individual who has learned or reasonably suspects that the individual's personal identifying information has been unlawfully used by another, as described in section 12.1-23-11, may initiate a law enforcement investigation by contacting the local law enforcement agency that has jurisdiction over the individual's residence. The law enforcement agency shall take a report of the matter, provide the individual with a copy of that report, and begin an investigation of the facts. If the suspected crime was committed in a different jurisdiction, the local law enforcement agency may refer the matter to the law enforcement agency where the suspected crime was committed for further investigation of the facts.
2. An individual who reasonably believes that the individual is the victim of identity theft may petition the district court in the county in which the alleged victim resides or in which the identity theft is alleged to have occurred, or the court, on its own motion or upon application of the state's

attorney, may move for an expedited judicial determination of the individual's factual innocence, if the perpetrator of the identity theft was arrested, cited, or convicted of a crime under the victim's identity, if a criminal complaint has been filed against the perpetrator in the victim's name, or if the victim's identity has been mistakenly associated with a record of criminal conviction. Any judicial determination of factual innocence made under this section may be heard and determined upon declarations, affidavits, police reports, or other material, relevant, and reliable information submitted by the parties or ordered to be part of the record by the court. If the court determines that the petition or motion is meritorious and that there is no reasonable cause to believe that the victim committed the offense for which the perpetrator of the identity theft was arrested, cited, convicted, or subject to a criminal complaint in the victim's name, or that the victim's identity has been mistakenly associated with a record of criminal conviction, the court shall find the victim factually innocent of that offense. If the victim is found factually innocent, the court shall issue an order certifying that determination.

3. After a court has issued a determination of factual innocence under this section, the court may order the name and associated personal identifying information contained in court records, files, and indexes accessible by the public deleted, sealed, or labeled to show that the data is impersonated and does not reflect the defendant's identity.
4. A court that has issued a determination of factual innocence under this section may vacate that determination if the petition or any information submitted in support of the petition is found to contain any material misrepresentation or fraud.

Enforcement - Powers - Remedies - Penalties. The attorney general may enforce this chapter. In enforcing this chapter, the attorney general has all the powers provided in this chapter or chapter 51-15 and may seek all remedies in this chapter or chapter 51-15. A violation of this chapter constitutes a violation of chapter 51-15. The remedies, duties, prohibitions, and penalties of this chapter are not exclusive and are in addition to all other causes of action, remedies, and penalties as provided in chapter 51-15 and as otherwise provided by law."

Renumber accordingly

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3057, HCR 3058.

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 2005, SB 2117, SB 2281, SB 2343, and SCR 4030.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2372 and SB 2384 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2372: Sens. Wardner; Tollefson; Every

SB 2384: Sens. Syverson; Hacker; Triplett

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1148: Sens. Lyson; Brown; Warner

HB 1248: Sens. Brown; Dever; Warner

HB 1284: Sens. Syverson; Traynor; Nelson

HB 1359: Sens. J. Lee; Dever; Warner

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2027, SB 2028, SB 2044, SB 2101, SB 2120, SB 2208, SB 2269, SB 2272, SB 2344, SCR 4012.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Thirteenth, Fourteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Friday, April 1, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1530: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1530 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "horizontal or wildcat"

Page 1, line 4, after "57-51.1-02" insert "and subsection 3 of section 57-51.1-03" and after "reduction" insert "and exemption"

Page 1, line 5, remove "horizontal or wildcat", after the first semicolon insert "and", and replace "; to provide an expiration" with a period

Page 1, remove line 6

Page 1, line 23, after "57-51.1-03" insert ", not subject to subsection 6,"

Page 2, line 8, overstrike "or"

Page 2, line 11, overstrike the period and insert immediately thereafter "; or

6. For oil produced from wells spudded after June 30, 2005, and not otherwise exempt under section 57-51.1-03, oil extracted is subject to a reduced rate of five percent of the gross value at the well under this section for production through June 30, 2006, and a reduced rate of four percent for production after June 30, 2006. If a well taxed at the rate under this section spudded before July 1, 2007, becomes eligible for exemption under subsection 3 of section 57-51.1-03, the exemption does not apply to production from that well until three additional months of production from that well is taxed under this subsection after the exemption would otherwise have applied.

Page 2, line 13, overstrike "all taxable" and insert immediately thereafter "those" and after "wells" insert "identified in subsections 1 through 5 and not otherwise exempt under section 57-51.1-03"

Page 2, after line 17, insert:

"SECTION 3. AMENDMENT. Subsection 3 of section 57-51.1-03 of the North Dakota Century Code is amended and reenacted as follows:

3. For a well drilled and completed as a vertical well, the initial production of oil from the well is exempt from any taxes imposed under this chapter for a period of fifteen months, except that oil produced from any well drilled and completed as a horizontal well is exempt from any taxes imposed under this chapter for a period of twenty-four months. The exemption under this subsection for a well spudded after June 30, 2005, and before July 1, 2007, applies to only the first one hundred ten thousand barrels of oil produced from the well or to the time period specified in this subsection, whichever is reached first. Oil recovered during testing prior to well completion is exempt from the oil extraction tax. The exemption under this subsection becomes ineffective if the average price of a barrel of crude oil exceeds the trigger price for each month in any consecutive five-month period. However, the exemption is reinstated if, after the trigger provision becomes effective, the average price of a barrel of crude oil is less than the trigger price for each month in any consecutive five-month period."

Page 2, line 22, remove "horizontal or"

Page 2, line 23, remove "horizontal or"

Page 2, line 29, remove "- **EXPIRATION DATE**"

Page 2, line 30, remove "horizontal or wildcat" and replace "for which a permit is granted or renewed under" with "that are spudded"

Page 2, line 31, remove "section 38-08-05" and replace "and before July 1, 2009, and is" with a period

Page 3, remove lines 1 through 3

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** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2217 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1142 and 1143 of the House Journal, Engrossed Senate Bill No. 2217 is amended as follows:

Page 1, line 1, after "enact" insert "chapter 6-09.17," and after "57-38" insert ", a new subsection to section 57-38-30.3,"

Page 1, line 2, after the second "to" insert "a biodiesel partnership in assisting community expansion program and" and after "corporate" insert "and individual"

Page 1, line 4, after the semicolon insert "to provide an appropriation; to provide a continuing appropriation;"

Page 1, after line 5, insert:

"SECTION 1. Chapter 6-09.17 of the North Dakota Century Code is created and enacted as follows:

6-09.17-01. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Biodiesel partnership in assisting community expansion fund" or "fund" means a fund established to buy down the interest rate on loans to biodiesel production facilities as provided under this chapter.
2. "Biodiesel production facility" means a corporation, limited liability company, partnership, individual, or association involved in production of diesel fuel containing at least five percent biodiesel meeting the specifications adopted by the American society for testing and materials.
3. "Community" means the city or county in which an eligible biodiesel production facility is located, or a local development corporation, community organization, or any other group whose interest is in the economic growth of the area.

6-09.17-02. Biodiesel partnership in assisting community expansion fund - Continuing appropriation - Administration. A biodiesel partnership in assisting community expansion fund is hereby established. This is a revolving fund, and all moneys transferred into the fund, interest on fund moneys, and payments to the fund are hereby appropriated for the purposes of this chapter. This fund is not subject to section 54-44.1-11. The Bank of North Dakota shall administer the fund.

6-09.17-03. Fund - Purpose - Interest rate buydown. Moneys in the biodiesel partnership in assisting community expansion fund must be used for the purpose of buying down the interest rate on loans made by a lead financial institution in participation with the Bank of North Dakota. The Bank of North Dakota's participation may not exceed seventy percent of the total loans. If the loan is approved by the lenders and there is evidence of the community's commitment and ability to fund its portion of the buydown, the fund's participation in the buydown must automatically be approved.

6-09.17-04. Fund moneys - Eligible uses.

1. The fund moneys may be used to participate in an interest rate buydown on a loan to a biodiesel production facility for the following eligible uses:
 - a. Purchase of real property and equipment.
 - b. Expansion of facilities.
 - c. Working capital.
 - d. Inventory.

The loan funds cannot be used to refinance any existing debt or for the relocation of the business within North Dakota.
2. The community shall determine the amount of the interest rate buydown and apply to the Bank of North Dakota for participation from the biodiesel partnership in assisting community expansion fund. The funds for the community's portion of the buydown may come from a local development corporation, contributions, community funds, future dedicated tax programs, or any other community source.
3. The fund participation portion in the buydown must be determined by the Bank of North Dakota based on economic conditions in the city or county in which the business is located.
4. The maximum amount from the fund in the interest rate buydown may not exceed two hundred fifty thousand dollars per loan and not more than one loan may be provided to any single biodiesel production facility under this chapter. The fund participation must be limited to the amount required to buy down the interest to five hundred basis points below the national prime interest rate.
5. The Bank of North Dakota shall adopt rules to implement this chapter."

Page 1, line 8, replace "Corporate income" with "Income"

Page 1, line 10, after "section" insert "57-38-29," and after "57-38-30" insert ", or 57-38-30.3"

Page 1, after line 15, insert:

"A partnership, subchapter S corporation, limited partnership, limited liability company, or any other passthrough entity entitled to the credit under this section must be considered to be the taxpayer for purposes of this section, and the amount of the credit allowed with respect to the entity's investments must be determined at the passthrough entity level. The amount of the total credit determined at the entity level must be passed through to the partners, shareholders, or members in proportion to their respective interests in the passthrough entity."

Page 1, line 18, replace "Corporate income" with "Income" and replace "taxpayer" with "seller of biodiesel fuel"

Page 1, line 19, after "section" insert "57-38-29," and after "57-38-30" insert ", or 57-38-30.3"

Page 1, line 20, replace "taxpayer's" with "biodiesel fuel seller's"

Page 2, line 1, replace the first "the" with "a"

Page 2, line 2, replace "taxpayer" with "biodiesel fuel seller"

Page 2, line 4, replace "taxpayer" with "biodiesel fuel seller"

Page 2, after line 8, insert:

"A partnership, subchapter S corporation, limited partnership, limited liability company, or any other passthrough entity entitled to the credit under this section must be considered to be the taxpayer for purposes of this section, and the amount of the credit allowed with respect to the entity's investments must be determined at the passthrough entity level. The amount of the total credit determined at the entity level must be passed through to the partners, shareholders, or members in proportion to their respective interests in the passthrough entity."

SECTION 4. A new subsection to section 57-38-30.3 of the North Dakota Century Code is created and enacted as follows:

A taxpayer filing a return under this section is entitled to the credits provided under sections 2 and 3 of this Act."

Page 2, after line 15, insert:

"SECTION 6. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,200,000, or so much of the sum as may be necessary, to the Bank of North Dakota for deposit in the biodiesel partnership in assisting community expansion fund for use as provided in chapter 6-09.17, for the biennium beginning July 1, 2005, and ending June 30, 2007."

Page 2, line 16, replace "1 and 2" with "2, 3, and 4"

Page 2, line 17, replace "1" with "31" and replace "3" with "5"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2270, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (19 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2270 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2412: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2412 was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1092, as engrossed: Your conference committee (Sens. Hacker, Dever, Fairfield and Reps. Klemm, Horter, Sandvig) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 871 and place HB 1092 on the Seventh order.

Engrossed HB 1092 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1188: Your conference committee (Sens. Klein, Krebsbach, Fairfield and Reps. Dietrich, Clark, Thorpe) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 985, adopt amendments as follows, and place HB 1188 on the Seventh order:

That the Senate recede from its amendments as printed on page 985 of the House Journal and page 738 of the Senate Journal and that House Bill No. 1188 be amended as follows:

Page 1, line 1, remove "subsection to" and replace "28-01-18" with "to chapter 28-01"

Page 1, line 2, replace "two-year" with "three-year"

Page 1, line 5, remove "subsection to" and replace "28-01-18" with "to chapter 28-01"

Page 1, line 6, after the colon insert:

"Action having three-year limitation."

Page 1, line 8, after "transaction" insert "must be commenced within three years after the claim for relief has accrued"

Renumber accordingly

HB 1188 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1286: Your conference committee (Sens. Trenbeath, Syverson, Nelson and Reps. Boehning, Charging, Onstad) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 940-941, adopt further amendments as follows, and place HB 1286 on the Seventh order:

That the Senate recede from its amendments as printed on pages 940 and 941 of the House Journal and page 702 of the Senate Journal and that House Bill No. 1286 be amended as follows:

Page 3, line 9, replace "fifteen" with "twenty-five"

Renumber accordingly

HB 1286 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1438, as engrossed: Your conference committee (Sens. Cook, Dever, Triplett and Reps. Herbel, N. Johnson, Kaldor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1265 and place HB 1438 on the Seventh order.

Engrossed HB 1438 was placed on the Seventh order of business on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3059: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3059 was placed on the Tenth order on the calendar.

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

Bradley C. Fay, Chief Clerk