

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

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Bismarck, February 7, 2005

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

The prayer was offered by Pastor Craig Wentzel, Zoar Free Lutheran Church, Hamden, ND.

The roll was called and all members were present except Representatives Ekstrom, Maragos, Nelson, and Sandvig.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

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

On page 347, line 34, replace "Tenth" with "Sixth"

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

SIXTH ORDER OF BUSINESS

SPEAKER KLEIN DEEMED approval of HB 1024, HB 1058, HB 1154, HB 1189, HB 1282, HB 1301, HB 1308, HB 1317, HB 1354, HB 1389, HB 1390, HB 1402, HB 1408, HB 1438, HB 1449, HB 1450, HB 1458, HB 1459, HB 1461, HB 1465, HB 1470, HB 1482, HB 1489, HB 1500, HB 1503, HB 1512 and HB 1514.

HB 1154, HB 1189, HB 1308, HB 1389, HB 1390, HB 1408, HB 1450, HB 1458, HB 1459, HB 1465, HB 1489 and HB 1512, as amended, were rereferred to the **Appropriations Committee**.

HB 1024, HB 1058, HB 1282, HB 1301, HB 1317, HB 1354, HB 1402, HB 1438, HB 1449, HB 1461, HB 1470, HB 1482, HB 1500, HB 1503 and HB 1514, as amended, were placed on the Eleventh order of business on the calendar.

MOTION

REP. DEKREY MOVED that HB 1516 be returned to the House floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. DOSCH REQUESTED the unanimous consent of the House to withdraw HB 1516. There being no objection, it was so ordered by the Speaker.

MOTION

REP. DEKREY MOVED that HCR 3017 be returned to the House floor from the **Judiciary Committee** and be rereferred to the **Constitutional Revision Committee**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1073: A BILL for an Act to amend and reenact subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to primary insurance benefits under the old-age and survivor insurance system; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Ekstrom; Maragos; Nelson; Sandvig

Engrossed HB 1073 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1174: A BILL for an Act to create and enact chapter 13-09 of the North Dakota Century Code, relating to licensing, reports, and examination of money transmitters; to amend and reenact subsection 1 of section 6-01-01.1 of the North Dakota Century Code, relating to the financial institutions regulatory fund; to repeal chapter 51-17 of the North Dakota Century Code, relating to the licensing of check sellers; to provide a penalty; to provide an appropriation; 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 86 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Delzer; Pollert; Skarphol

ABSENT AND NOT VOTING: Ekstrom; Maragos; Nelson; Sandvig

Engrossed HB 1174 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1213: A BILL for an Act to amend and reenact section 26.1-02-25 of the North Dakota Century Code, relating to the penalty for an insurance company selling unauthorized insurance without a license; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Ekstrom; Maragos; Nelson; Sandvig

Engrossed HB 1213 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1277: A BILL for an Act to create and enact a new chapter to title 12 of the North Dakota Century Code, relating to electronic home detention and global positioning system monitoring for certain offenders; and to amend and reenact subdivision b of subsection 3 of section 12.1-08-06 of the North Dakota Century Code, relating to the definition of official detention.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Ekstrom; Maragos; Nelson; Sandvig

Engrossed HB 1277 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1248: A BILL for an Act to amend and reenact section 50-24.1-02.8 of the North Dakota Century Code, relating to transfers involving annuities.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Ekstrom; Maragos; Nelson; Sandvig

Engrossed HB 1248 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1294: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to vacancies in office of a member of the legislative assembly.

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 43 YEAS, 47 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Berg; Bernstein; Boehning; Brandenburg; Clark; Conrad; Delmore; Dietrich; Dosch; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.;

Kingsbury; Klemin; Koppelman; Kretschmar; Meier, L.; Nicholas; Nottestad; Onstad; Owens; Potter; Price; Thorpe; Uglem; Wall; Williams; Speaker Klein

NAYS: Aarsvold; Bellew; Belter; Boe; Boucher; Brusegaard; Carlisle; Carlson; Charging; Damschen; DeKrey; Delzer; Devlin; Drovdal; Froelich; Headland; Hunskor; Kelsh, S.; Kempenich; Kerzman; Kreidt; Kroeber; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Norland; Pietsch; Pollert; Porter; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Timm; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham; Zaiser

ABSENT AND NOT VOTING: Ekstrom; Maragos; Nelson; Sandvig

Engrossed HB 1294 lost.

MOTION

REP. MONSON MOVED that HB 1373, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1373 was rereferred.

MOTION

REP. MONSON MOVED that HB 1171, HB 1302, HB 1320, HB 1177, HB 1155, and HB 1405 be moved to the bottom of the calendar, which motion prevailed.

MOTION

REP. MONSON MOVED that HB 1393, HB 1422 and HB 1420 be laid over two legislative days, which motion prevailed.

MOTION

REP. MONSON MOVED that HB 1217 be laid over three legislative days, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1364: A BILL for an Act relating to English pronunciation by faculty and teaching assistants.

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, 12 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Aarsvold; Boe; Boucher; Conrad; Johnson, N.; Kaldor; Kelsh, S.; Kerzman; Kretschmar; Kroeber; Onstad; Potter

ABSENT AND NOT VOTING: Ekstrom; Maragos; Nelson; Sandvig

Engrossed HB 1364 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1497: A BILL for an Act to amend and reenact sections 15.1-09-11, 16.1-06-04, 16.1-06-05, 16.1-06-06, 16.1-06-07.1, 16.1-06-08, 16.1-06-09, 16.1-06-18, 16.1-11-22, 16.1-11-24, and 16.1-11-35, subsection 1 of section 16.1-12-02.2, and sections 16.1-13-22, 16.1-13-23, and 16.1-13-25 of the North Dakota Century Code, relating to election process administration; and to repeal section 16.1-13-26 of the North Dakota Century Code, relating to election process administration.

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, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Kaldor; Thoreson; Weiler

ABSENT AND NOT VOTING: Ekstrom; Maragos; Nelson; Sandvig

Engrossed HB 1497 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1125: A BILL for an Act to amend and reenact sections 65-03-04, 65-04-01, 65-04-19.1, 65-04-19.3, 65-05-07.2, 65-07-02, and 65-07-03 of the North Dakota Century Code, relating to workforce safety and insurance annual establishment of minimum premium, premium discount and premium calculation programs, employer medical expense assessment incentives, elective coverage, and coverage for employer's children; and to provide a continuing 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 85 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; 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; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Charging; Delzer; Pollert; Skarphol

ABSENT AND NOT VOTING: Ekstrom; Gulleson; Maragos; Nelson; Sandvig

Engrossed HB 1125 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1203: A BILL for an Act relating to business incentives, agreements, and reports; to create and enact a new subdivision to subsection 7 of section 6-08.1-02 of the North Dakota Century Code, relating to disclosure of customer information by the Bank of North Dakota; and to provide an effective date.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin;

Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; 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: Ekstrom; Maragos; Nelson; Sandvig

Engrossed HB 1203 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that HB 1424 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1424: A BILL for an Act to provide for collection and review of information on economic development incentives provided by the state and political subdivisions and job quality and accountability standards; and to create and enact a new subsection to section 57-23-06 and a new subsection to section 57-55-12 of the North Dakota Century Code, relating to abatement of property taxes.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 63 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Ekstrom; Maragos; Nelson; Price; Sandvig

HB 1424 lost.

SECOND READING OF HOUSE BILL

HB 1246: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a corporate income tax credit for purchase of an automated external defibrillator; 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 NOT PASS, the roll was called and there were 44 YEAS, 46 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boehning; Boucher; Carlisle; Charging; Conrad; Devlin; Dosch; Froelich; Froseth; Galvin; Glassheim; Gulleson; Hanson; Hawken; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kerzman; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nottestad; Porter; Sitte; Thoreson; Uglem; Vigesaa; Wald; Wall; Weisz; Williams; Zaiser

NAYS: Bellew; Belter; Berg; Bernstein; Brandenburg; Brusegaard; Carlson; Clark; Damschen; DeKrey; Delmore; Delzer; Dietrich; Drovdal; Grande; Haas; Headland; Herbel; Horter; Iverson; Keiser; Kelsh, S.; Kempenich; Kingsbury; Kreidt; Meyer, S.; Nicholas; Norland;

Onstad; Owens; Pietsch; Pollert; Potter; Price; Rennerfeldt; Ruby; Schmidt; Skarphol; Solberg; Svedjan; Thorpe; Timm; Weiler; Wieland; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Ekstrom; Maragos; Nelson; Sandvig

Engrossed HB 1246 lost.

SECOND READING OF HOUSE BILL

HB 1275: A BILL for an Act to create and enact a new section to chapter 54-59 of the North Dakota Century Code, relating to executive branch, legislative branch, and judicial branch reporting of information technology projects to the information technology advisory committee; and to amend and reenact section 54-59-07 of the North Dakota Century Code, relating to the state information technology advisory committee.

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

ABSENT AND NOT VOTING: Berg; Ekstrom; Maragos; Nelson; Nicholas; Sandvig

Engrossed HB 1275 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1306: A BILL for an Act to amend and reenact section 1 of chapter 188 of the 1987 Session Laws, relating to the sale of certain state lands by the board of university and school lands to Stark County.

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

ABSENT AND NOT VOTING: Berg; Ekstrom; Maragos; Nelson; Sandvig

Engrossed HB 1306 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1318: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to payments in lieu of taxes for housing authority or tribal housing authority property in certain cities; to provide an appropriation; 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 NOT PASS, the roll was called and there were 26 YEAS, 63 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Charging; Conrad; Froelich; Glasheim; Gulleon; Hanson; Hunskor; Kaldor; Kelsh, S.; Kempenich; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Potter; Schmidt; Solberg; Thorpe; Williams; Zaiser

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

ABSENT AND NOT VOTING: Ekstrom; Maragos; Nelson; Sandvig; Wald

Engrossed HB 1318 lost.

SECOND READING OF HOUSE BILL

HB 1329: A BILL for an Act to create and enact sections 26.1-25-04.4, 26.1-25-04.5, 26.1-25-04.6, 26.1-25-11.1, and 26.1-25-20 of the North Dakota Century Code, relating to the regulation of fire, property, and casualty insurance rates and rate filings; and to amend and reenact sections 26.1-25-02.1, 26.1-25-04, 26.1-25-05, and 26.1-25-10.5 of the North Dakota Century Code, relating to the regulation of fire, property, and casualty insurance rates and rate filings.

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 37 YEAS, 53 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Bernstein; Boehning; Clark; Damschen; Dietrich; Dosch; Froseth; Galvin; Haas; Headland; Herbel; Iverson; Johnson, N.; Kasper; Keiser; Kerzman; Kingsbury; Klemin; Kreidt; Meier, L.; Norland; Nottestad; Pietsch; Rennerfeldt; Ruby; Svedjan; Thoreson; Thorpe; Uglem; Vigasaa; Wald; Wall; Wieland; Speaker Klein

NAYS: Aarsvold; Amerman; Boe; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Conrad; DeKrey; Delmore; Delzer; Devlin; Drovda; Froelich; Glasheim; Grande; Gulleon; Hanson; Hawken; Horter; Hunskor; Johnson, D.; Kaldor; Kelsch, R.; Kelsh, S.; Kempenich; Koppelman; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Onstad; Owens; Pollert; Porter; Potter; Price; Schmidt; Sitte; Skarphol; Solberg; Timm; Weiler; Weisz; Williams; Wrangham; Zaiser

ABSENT AND NOT VOTING: Ekstrom; Maragos; Nelson; Sandvig

Engrossed HB 1329 lost.

SECOND READING OF HOUSE BILL

HB 1330: A BILL for an Act to create and enact section 43-10-22.2 of the North Dakota Century Code, relating to funeral establishment ownership disclosures.

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

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Froelich; Froseth; Galvin; Glasheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Norland; Nottestad; Onstad; Owens;

Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Wrangham; Zaiser; Speaker Klein

NAYS: Bellew; Keiser; Ruby; Weisz; Williams

ABSENT AND NOT VOTING: Ekstrom; Maragos; Nelson; Sandvig

Engrossed HB 1330 passed and the title was agreed to.

MOTION

REP. BERG MOVED that HB 1506, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1506 was rereferred.

MOTION

REP. BERG MOVED that the House reconsider its action whereby HCR 3020 passed, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. BERG MOVED that the amendments on the Sixth order of business to HCR 3020 be adopted, which motion prevailed.

HCR 3020, as amended, was placed on the Tenth order of business on the calendar.

SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR

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

The question being on the final adoption of the resolution, which has been read.

HCR 3020 was declared adopted on a voice vote, and the title was agreed to.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1043, HB 1165, HB 1170, HB 1193, HB 1240, HB 1392, HB 1419, HB 1427, HB 1432, HB 1433, HB 1453.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, February 8, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1052, as amended, Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1052, as amended, was placed on the Sixth order on the calendar.

Page 1, line 22, remove the overstrike over "~~thirty percent~~" and remove "a percentage"

Page 2, line 1, replace "The percentage to be used for the reduction under this" with "The adjustment provided by this subdivision is allowed only to the extent the net long-term capital gain is allocated to this state."

Page 2, remove lines 2 through 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1143: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1143 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1223: Agriculture Committee (Rep. Nicholas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1223 was placed on the Sixth order on the calendar.

Page 1, line 1, after "53-10" insert "and a new chapter to title 53"

Page 1, line 2, after "activity" insert "and during activity involving livestock"

Page 2, after line 26, insert:

"SECTION 3. A new chapter to title 53 of the North Dakota Century Code is created and enacted as follows:

Definitions. In this chapter, unless the context otherwise requires:

1. "Activity involving livestock" means any parade, rodeo, show, sale, demonstration, fair, ride, competition, games, hunting, instruction, and any other entertainment involving spectators, participants, and livestock.
2. "Livestock" means bison, cattle, goats, llamas, sheep, and swine. The term does not include equines as defined in chapter 53-10.
3. "Participant" means any person, whether amateur or professional, who engages in an activity involving livestock, regardless of whether a fee is paid by the participant for that privilege or whether compensation is paid to the participant.
4. "Sponsor" means any person who organizes or provides the facility for any activity involving livestock.

Liability of sponsor for activities involving livestock.

1. Because livestock by their very nature can react unpredictably in a variety of situations, including those involving sound, sudden movement, an unfamiliar object, the presence of an individual, or the presence of another animal, the sponsor of an activity involving livestock is not liable for injury to or for the death of a spectator or a participant in the activity, except as provided in subsection 3.
2. Neither a spectator nor a participant, nor the personal representative of either, may maintain an action against or recover from the sponsor of any activity involving livestock for an injury to or the death of a spectator or a participant engaged in the activity.
3. Subsection 1 does not prevent or limit the liability of the sponsor of an activity involving livestock:
 - a. If the sponsor provides any equipment or tack and the equipment or tack causes the injury;
 - b. If the sponsor owns, leases, rents, or is otherwise in lawful possession and control of the land or facility upon which the spectator or participant sustains an injury because of a latent condition that the sponsor knew was dangerous;
 - c. If the sponsor commits an act or omission that constitutes willful or wanton disregard for the safety of the spectator or the participant and that act or omission causes the injury;
 - d. If the sponsor intentionally injures the spectator or the participant;
 - e. Under products liability provisions as set forth in products liability laws;
or

f. Under liability provisions in chapter 36-11.

Statement of liability - Warning sign. The sponsor of an activity involving livestock shall post and maintain a sign and shall include in every contract governing the activity language warning that there are inherent risks in the activity and stating that the sponsor is not liable for any injury or damage resulting from the activity except as otherwise provided in this chapter."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1225: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING). HB 1225 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "A" with "The director has good cause to believe that an individual is a habitual drunkard or user if the individual has three or more convictions for violating section 39-08-01, or equivalent ordinance, or three or more administrative suspensions under chapter 39-20 within a five-year period."

Page 1, remove lines 10 through 14

Page 1, line 15, after "drunkard" insert "or user"

Page 1, line 17, after "alcohol" insert "or drug"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1268, as amended, Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1268, as amended, was placed on the Sixth order on the calendar.

Page 2, remove lines 6 through 8

Page 3, remove lines 24 through 26

Page 5, line 10, replace "replacing the existing process of converting lignite from its" with "an investment of more than two hundred million dollars or one million dollars per megawatt of installed nameplate capacity, whichever is less, in an existing power plant that modifies or replaces the process used for converting lignite coal from its natural form into electric power."

Page 5, remove lines 11 through 14

Page 5, line 31, replace "added" with "completed"

Page 6, line 19, replace "added" with "completed"

Page 7, line 12, after the period insert "If a board of county commissioners grants a partial or complete exemption for a specific coal conversion facility under this subsection, the provisions of subsection 2 of section 57-60-14 do not apply as that subsection relates to revenue from the specific coal conversion facility for which the partial or complete exemption has been granted."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1341: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1341 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 2 of section 54-44.4-05 and"

Page 1, line 2, after "to" insert "purchasing contracts and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 54-44.4-05 of the North Dakota Century Code is amended and reenacted as follows:

2. The office of management and budget shall adopt rules specifying the circumstances under which competition may be waived or limited, when negotiation may be used, and specifying the required justifications and procedures for using those methods of purchasing.The office of management and budget shall adopt rules related to sending notice of intent to make limited competitive, noncompetitive, and negotiated purchases in accordance with this chapter. The notice must describe the needed commodity or service and the intended procurement method and must state that vendors are permitted to submit bids or proposals for contracts to be awarded under this section. The circumstances that may permit limited competitive, noncompetitive, or negotiated purchases include:
 - a. The commodity or service is available from only one source.
 - b. The commodity or service is available from another governmental entity's contract.
 - c. The commodity or service is to be purchased for experimentation or trial.
 - d. No acceptable bid or proposal was received pursuant to a competitive bidding or competitive proposal process.
 - e. Commodities are being purchased for over-the-counter resale.
 - f. Acceptable commodities or services are produced or provided by correctional institutions or other government agencies.
 - g. The anticipated cost of purchasing specified commodities or services is less than an amount determined by the office of management and budget which would justify the expense of a competitive bidding or competitive proposal process.
 - h. A used commodity is advantageous to the state and the commodity is available only on short notice.
 - i. The commodity is a component or replacement part for which there is no commercially available substitute and which can be obtained only from the manufacturer.
 - j. Compatibility with equipment currently owned by the state is essential to the proper functioning of that equipment.
 - k. The agency provides documentation indicating that the services or the circumstances are of such a nature that deviation from the procurement procedure is appropriate."

Page 1, line 13, replace "shall send an invitation to bid or a" with "or the purchasing agency shall use the list when sending notice of intent to make cooperative, limited competitive, noncompetitive, and negotiated purchases."

Page 1, remove lines 14 through 16

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1347: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1347 was placed on the Sixth order on the calendar.

Page 1, line 9, after "checks" insert ", as that term is used in chapter 41-03, drawn" and after "banks" insert "or credit unions"

Page 1, line 10, after "employee" insert "when offered by the employer"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1396: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1396 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 provide for a legislative council study."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY - DRIVING UNDER THE INFLUENCE OFFENSES. The legislative council shall consider studying, during the 2005-06 interim, driving under the influence, repeat offenses, prevention, enforcement, and penalties. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1472: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1472 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1474, as amended, Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1474, as amended, was placed on the Sixth order on the calendar.

Page 1, line 8, replace ", not deducted in" with "that"

Page 1, line 9, remove "computing federal taxable income, which" and remove "qualified donor's"

Page 1, line 10, after "donation" insert "by a taxpayer or a taxpayer's dependent" and remove "of the qualified donor's"

Page 1, line 11, remove "To determine the"

Page 1, remove lines 12 through 16

Page 1, line 17, replace "Revenue Code [26 U.S.C. Section 62]. An individual" with "A taxpayer"

Page 2, remove lines 6 through 8

Page 2, line 9, replace "(4)" with "(3)", after "means" insert "lost wages not compensated by sick pay and", after "unreimbursed" insert "medical", and replace "for both the" with "as defined for federal income tax purposes, to the extent not deducted in computing federal taxable income, whether or not the taxpayer itemizes federal income tax deductions, and not already deducted under subdivision e."

Page 2, remove lines 10 and 11

Page 2, line 14, replace ", not deducted in" with "that"

Page 2, line 15, remove "computing federal taxable income, which" and remove "qualified donor's"

Page 2, line 16, after "donation" insert "by a taxpayer or a taxpayer's dependent" and remove "of the qualified donor's"

Page 2, line 17, remove "To determine the"

Page 2, remove lines 18 through 22

Page 2, line 23, replace "Revenue Code [26 U.S.C. Section 62]. An individual" with "A taxpayer"

Page 3, remove lines 3 through 5

Page 3, line 6, replace "(4)" with "(3)", after "means" insert "lost wages not compensated by sick pay and", after "unreimbursed" insert "medical", and replace "for both the" with "as defined for federal income tax purposes, to the extent not deducted in computing federal taxable income, whether or not the taxpayer itemizes federal income tax deductions."

Page 3, remove lines 7 and 8

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1475: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1475 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1478, as amended, 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** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1478, as amended, was placed on the Sixth order on the calendar.

Page 1, line 10, replace "fuel containing a minimum blend of eighty-five percent ethanol" with "a petroleum product that is a blend of agriculturally derived denatured ethanol and gasoline or natural gasoline that typically contains eighty-five percent ethanol by volume, but at a minimum must contain sixty percent ethanol by volume. E85 produced for use as a motor fuel must comply with ASTM specification D 5798-96"

Page 1, line 19, after the underscored period insert "Within the scope of this section, the entire amount of this tax exemption must be available to consumers of E85. After the amount of two hundred fifty thousand dollars has been transferred from the fund as provided in section 57-43.1-28 to the highway distribution fund, the exemption from the tax in this subsection is no longer effective."

Page 2, line 29, replace "petroleum violation escrow fund" with "agricultural products utilization commission funding"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1486: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1486 was placed on the Sixth order on the calendar.

Page 1, line 3, after "facilities" insert "; and to provide for a report"

Page 1, line 7, after the boldfaced period insert:

"1."

Page 1, after line 10, insert:

"2. The admission criteria for a state facility must include a requirement that the county of referral consider all appropriate local or regional placements and exhaust potential in-state placements in the geographic region. The county agency shall state on the record that this effort was made and placement was rejected before ordering a placement or commitment in an out-of-state facility. The county agency shall determine whether the child meets the established admission criteria for an in-state facility. If the child meets the admission criteria, the county agency shall place the child at a

state facility, unless the agency makes a finding on the record that the safety of the child or the safety of the community is best met by placement in an out-of-state facility.

3. A county agency that places a child in an out-of-state facility shall report the following information to the department of human services:
 - a. The out-of-state facility at which the child was placed and the reasons for the placement;
 - b. The in-state facilities at which placement was considered;
 - c. The reasons for not choosing an in-state facility;
 - d. The reasons why the child did not meet the established admissions criteria for in-state facilities; and
 - e. If the child met the admission criteria, the reasons why the safety of the child or the safety of the community could not be met at an in-state facility.

SECTION 2. REPORT TO LEGISLATIVE COUNCIL. The department of human services shall compile the child placement information received from the county agencies pursuant to subsection 3 of section 1 of this Act. Before July first of each year, the department shall report this information, together with facility placement and education costs, to the legislative council."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1495: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1495 was placed on the Sixth order on the calendar.

Page 2, line 4, overstrike "shall" and insert immediately thereafter "to"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1498, as amended, Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1498, as amended, was placed on the Sixth order on the calendar.

Page 1, line 13, after "investment" insert "greater than one hundred thousand dollars"

Page 3, line 5, after "investment" insert "greater than one hundred thousand dollars"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1519: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1519 was placed on the Eleventh order on the calendar.

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

Bradley C. Fay, Chief Clerk

