

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

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Bismarck, February 9, 2005

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

The prayer was offered by Pastor Greg Runyon, Church of Acts, Bismarck.

The roll was called and all members were present except Representative Ekstrom.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER KLEIN DEEMED approval of HB 1257 and HB 1273.

HB 1257 and HB 1273, as amended, were placed on the Eleventh order of business on the calendar.

MOTION

REP. BRANDENBURG MOVED that the House reconsider its action whereby HB 1317 passed, which motion lost on a verification vote.

MOTION

REP. DEKREY MOVED that HB 1389, which is on the Eleventh order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. DeKrey's motion, HB 1389 was rereferred.

MOTION

REP. MONSON MOVED that HB 1450 be returned to the House floor from the **Appropriations Committee**, which motion prevailed.

MOTION

REP. MONSON MOVED that HB 1458 be returned to the House floor from the **Appropriations Committee** and be rereferred to the **Transportation Committee**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1503: A BILL for an Act to create and enact two new sections to chapter 53-06.1 of the North Dakota Century Code, relating to games of chance.

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 2 YEAS, 91 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Boehning; Iverson

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; Grande; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; 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; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Ekstrom

Engrossed HB 1503 lost.

SECOND READING OF HOUSE BILL

HB 1422: A BILL for an Act to create and enact a new section to chapter 20.1-03 and a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to resident waterfowl hunting licenses and fees; and to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting licenses and zones.

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 44 YEAS, 49 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Bernstein; Boehning; Carlisle; Carlson; Clark; Conrad; Delmore; Dietrich; Dosch; Glassheim; Grande; Hanson; Hawken; Horter; Iverson; Kaldor; Kasper; Kelsch, R.; Kelsch, S.; Klemin; Koppelman; Kroeber; Martinson; Meier, L.; Metcalf; Mueller; Nottestad; Owens; Pietsch; Porter; Potter; Sandvig; Solberg; Svedjan; Thoreson; Timm; Wald; Wall; Weiler; Wieland; Williams; Zaiser

NAYS: Amerman; Bellew; Berg; Boe; Boucher; Brandenburg; Brusegaard; Charging; Damschen; DeKrey; Delzer; Devlin; Drovdal; Froelich; Froseth; Galvin; Gullerson; Haas; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kempenich; Kerzman; Kingsbury; Kreidt; Kretschmar; Maragos; Meyer, S.; Monson; Nelson; Nicholas; Norland; Onstad; Pollert; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Thorpe; Uglem; Vigesaa; Weisz; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Ekstrom

HB 1422 lost.

SECOND READING OF HOUSE BILL

HB 1393: A BILL for an Act to amend and reenact section 20.1-03-11.2 of the North Dakota Century Code, relating to the number of antlered white-tailed deer licenses issued to outfitters.

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 21 YEAS, 72 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Boehning; Brandenburg; Carlson; Damschen; DeKrey; Delzer; Froelich; Froseth; Glassheim; Haas; Headland; Johnson, D.; Kerzman; Maragos; Meyer, S.; Nelson; Nicholas; Norland; Schmidt; Weisz; Speaker Klein

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boucher; Brusegaard; Carlisle; Charging; Clark; Conrad; Delmore; Devlin; Dietrich; Dosch; Drovdal; Galvin; Grande; Gullerson; Hanson; Hawken; Herbel; Horter; Hunskor; Iverson; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser

ABSENT AND NOT VOTING: Ekstrom

HB 1393 lost.

SECOND READING OF HOUSE BILL

HB 1033: A BILL for an Act to create and enact three new sections to chapter 15.1-27 of the North Dakota Century Code, relating to the calculation of school district transportation payments.

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 0 YEAS, 93 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froelich; Froseth; Galvin; Glassheim; 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; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Ekstrom

HB 1033 lost.

SECOND READING OF HOUSE BILL

HB 1514: A BILL for an Act to amend and reenact sections 54-44.1-06, 54-44.1-06.1, 54-44.1-07, 54-44.1-08, and 54-44.1-13 of the North Dakota Century Code, relating to the executive budget, budget deadlines, and drafts of appropriation bills.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 57 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Bernstein; Boehning; Brandenburg; Brusegaard; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Grande; Haas; Headland; Herbel; Horter; Iverson; Kasper; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Meier, L.; Monson; Nelson; Norland; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

NAYS: Aarsvold; Amerman; Boe; Boucher; Carlisle; Conrad; Delmore; Froelich; Glassheim; Guleson; Hanson; Hawken; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Mueller; Nicholas; Nottestad; Onstad; Potter; Sandvig; Schmidt; Solberg; Thorpe; Zaiser

ABSENT AND NOT VOTING: Ekstrom

Engrossed HB 1514 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1256: A BILL for an Act to amend and reenact sections 39-04-08, 39-04-10.4, and 39-04-11 of the North Dakota Century Code, relating to number plates.

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 47 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Bernstein; Boe; Boehning; Brandenburg; Brusegaard; Carlson; Clark; DeKrey; Delzer; Devlin; Froelich; Froseth; Galvin; Grande; Guleson; Haas; Headland; Johnson, D.; Kelsh, S.; Kerzman; Klemin; Kreidt; Monson; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pollert; Rennerfeldt; Ruby; Skarphol; Svedjan; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Aarsvold; Amerman; Bellew; Berg; Boucher; Carlisle; Charging; Conrad; Damschen; Delmore; Dietrich; Dosch; Drovdal; Glassheim; Hanson; Hawken; Herbel; Horter; Hunskor; Iverson; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Pietsch; Porter; Potter; Price; Sandvig; Schmidt; Sitte; Solberg; Thoreson; Weiler

ABSENT AND NOT VOTING: Ekstrom; Maragos

HB 1256 lost.

SECOND READING OF HOUSE BILL

HB 1365: A BILL for an Act to amend and reenact section 15.1-21-06 of the North Dakota Century Code, relating to participation in the No Child Left Behind Act of 2001.

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 22 YEAS, 69 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bellew; Bernstein; Brandenburg; Carlson; Clark; Damschen; Delzer; Devlin; Drovdal; Galvin; Grande; Iverson; Kasper; Kempenich; Koppelman; Sitte; Skarphol; Thoreson; Vigasaa; Wald; Wrangham; Speaker Klein

NAYS: Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Carlisle; Charging; Conrad; DeKrey; Delmore; Dietrich; Dosch; Froelich; Froseth; Glassheim; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Solberg; Svedjan; Thorpe; Timm; Uglem; Wall; Weiler; Weisz; Wieland; Williams; Zaiser

ABSENT AND NOT VOTING: Brusegaard; Ekstrom; Maragos

HB 1365 lost.

SECOND READING OF HOUSE BILL

HB 1366: A BILL for an Act to amend and reenact subsections 7 and 8 of section 20.1-03-11 and sections 20.1-08-04.1, 20.1-08-04.2, and 20.1-08-04.6 of the North Dakota Century Code, relating to limitations for individuals convicted of certain big game hunting violations.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 2 NAYS, 0 EXCUSED, 2 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; 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; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Froelich; Kerzman

ABSENT AND NOT VOTING: Ekstrom; Maragos

HB 1366 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1443: A BILL for an Act to provide for contingent transfers to the general fund.

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 2 YEAS, 90 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Glasshiem; Kaldor

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Froelich; Froseth; Galvin; Grande; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; 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; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Ekstrom; Maragos

HB 1443 lost.

SECOND READING OF HOUSE BILL

HB 1444: A BILL for an Act to repeal section 54-27.2-02 of the North Dakota Century Code, relating to the budget stabilization fund; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 88 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Glasshiem; Hawken; Kaldor; Nottestad

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

ABSENT AND NOT VOTING: Ekstrom; Maragos

HB 1444 lost.

SECOND READING OF HOUSE BILL

HB 1378: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to the administration of a basic reading literacy test.

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 37 YEAS, 54 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Bernstein; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Damschen; Delzer; Dosch; Galvin; Grande; Hawken; Headland; Horter; Iverson; Kaldor; Kasper; Kempenich; Koppelman; Kreidt; Meier, L.; Metcalf; Mueller; Owens; Ruby; Sitte; Thoreson; Thorpe; Timm; Wald; Weiler; Weisz; Wrangham; Speaker Klein

NAYS: Aarsvold; Amerman; Berg; Boucher; Brusegaard; Conrad; DeKrey; Delmore; Devlin; Dietrich; Drovda; Froelich; Froseth; Glasshiem; Gulleston; Haas; Hanson; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemm; Kretschmar; Kroeber; Martinson; Meyer, S.; Monson; Nelson; Nicholas;

Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Skarphol; Solberg; Svedjan; Uglem; Vigesaa; Wall; Wieland; Williams; Zaiser

ABSENT AND NOT VOTING: Boe; Ekstrom; Maragos

HB 1378 lost.

MOTION

REP. NELSON MOVED that the House reconsider its action whereby HB 1335 failed to pass.

REQUEST

REP. HAWKEN REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1335 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1335 failed to pass, the roll was called and there were 46 YEAS, 45 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boehning; Boucher; Brusegaard; Carlisle; Conrad; Delmore; Delzer; Devlin; Froelich; Galvin; Glassheim; Gulleson; Hanson; Hawken; Herbel; Horter; Hunskor; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, S.; Kingsbury; Koppelman; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mueller; Nelson; Onstad; Porter; Potter; Price; Sandvig; Schmidt; Skarphol; Solberg; Thoreson; Thorpe; Vigesaa; Wieland; Williams

NAYS: Bellew; Belter; Berg; Bernstein; Brandenburg; Carlson; Charging; Clark; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Froseth; Grande; Haas; Headland; Iverson; Johnson, D.; Kasper; Keiser; Kempenich; Kerzman; Klemin; Kreidt; Meier, L.; Monson; Norland; Nottestad; Owens; Pietsch; Pollert; Rennerfeldt; Ruby; Sitte; Svedjan; Timm; Uglem; Wald; Wall; Weiler; Weisz; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Ekstrom; Maragos; Nicholas

So the motion to reconsider the action whereby HB 1335 failed to pass, failed.

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 1177.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1024.

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 1119, HB 1122, HB 1123, HB 1152, HB 1155, HB 1171, HB 1185, HB 1194, HB 1210, HB 1222, HB 1238, HB 1282, HB 1301, HB 1317, HB 1321, HB 1333, HB 1340, HB 1438, HB 1449, HB 1470, HB 1482, HB 1500.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2141, SB 2250, SB 2273.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2058, SB 2062, SB 2115, SB 2155, SB 2176, SB 2205, SB 2207, SB 2208, SB 2234, SB 2254, SB 2276, SB 2332, SB 2338, SB 2369, SB 2376, SB 2384, SB 2403, SB 2404, SB 2410.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2272.

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., Thursday, February 10, 2005, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Dosch, Glassheim, N. Johnson and Sens. Krauter, Wardner introduced:

HCR 3039: A concurrent resolution directing the Legislative Council to study the appropriate level of state-sponsored tourism marketing.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Keiser, Carlson, Iverson, Koppelman, Ruby introduced:

HCR 3040: A concurrent resolution directing the Legislative Council to study the unemployment insurance tax rate structure; the structure's impact on the unemployment insurance trust fund, with special focus on the impact of the current unemployment insurance tax structure on new businesses; the historical cyclical risks faced by the industries in which new businesses are beginning to operate; and whether the unemployment insurance tax impact is reasonably favorable to the desired economic development of the state.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Brusegaard, Hawken, N. Johnson introduced:

HCR 3041: A concurrent resolution directing the Legislative Council to study the interim study process, including the method by which topics are selected for study by the Legislative Council.

Was read the first time and referred to the **Political Subdivisions Committee**.

Reps. Kasper, Ruby, Thoreson, Weiler and Sens. Holmberg, Klein introduced:

HCR 3042: A concurrent resolution directing the Legislative Council to study the laws of this state and other states as they relate to the unauthorized acquisition, theft, and misuse of personal indentifying information belonging to another individual.

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

Reps. Sitte, Charging, Horter, Kreidt and Sens. Holmberg, Triplett introduced:

HCR 3043: A concurrent resolution directing the Legislative Council to study the need for supportive housing and services, including emergency shelters, transition housing, and permanent supportive housing for homeless individuals and families with children.

Was read the first time and referred to the **Human Services Committee**.

Rep. Kretschmar introduced:

HCR 3044: A concurrent resolution directing the Legislative Council to study the filling of vacancies in the Legislative Assembly.

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

FIRST READING OF SENATE BILLS

SB 2058: A BILL for an Act to amend and reenact subsections 1 and 5 of section 54-06-09 of the North Dakota Century Code, relating to mileage and travel expense reimbursement for state officials and employees.

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

SB 2068: A BILL for an Act to amend and reenact subsection 1 of section 43-17-03 and subsection 1 of section 43-17.1-02 of the North Dakota Century Code, relating to state board of medical examiners membership and investigative panels.

Was read the first time and referred to the **Human Services Committee**.

SB 2085: A BILL for an Act to amend and reenact section 52-02-18 of the North Dakota Century Code, relating to performance audits of job service North Dakota.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

SB 2106: A BILL for an Act to amend and reenact subsection 3 of section 52-01-03 of the North Dakota Century Code, relating to exchange of information between job service North Dakota and other state agencies.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

SB 2115: A BILL for an Act to provide for a legislative council study of the process to negotiate and quantify reserved water rights.

Was read the first time and referred to the **Natural Resources Committee**.

SB 2141: A BILL for an Act to amend and reenact subsection 2 of section 20.1-13-07, sections 20.1-13.1-06 and 20.1-13.1-07, subsection 5 of section 20.1-13.1-08, and section

20.1-13.1-09 of the North Dakota Century Code, relating to boating under the influence; to provide a penalty; to provide an effective date; and to declare an emergency.
Was read the first time and referred to the **Transportation Committee**.

SB 2185: A BILL for an Act to amend and reenact section 50-24.1-02.7 of the North Dakota Century Code, relating to buy-in of medical assistance for individuals with disabilities.
Was read the first time and referred to the **Human Services Committee**.

REPORT OF STANDING COMMITTEE

HB 1031: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1031 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "sections 40-57.1-03, 40-57.1-04, and 40-57.1-04.1 and"

Page 1, line 2, replace "duration" with "availability"

Page 1, line 3, after "businesses" insert "in urban renewal areas"

Page 1, remove lines 6 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 7

Page 4, line 30, remove "The extended period of an exemption under this Act is available to a"

Page 4, remove line 31

Page 5, remove lines 1 through 4

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1032: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1032 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1061, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (19 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1061 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1110: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1110 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "section" with "sections" and after "25-03.2-03.1" insert "and 50-11-02.3"

Page 1, line 5, after "capacity" insert "and residential child care facility or group home bed capacity"

Page 2, after line 2, insert:

"SECTION 3. AMENDMENT. Section 50-11-02.3 of the North Dakota Century Code is amended and reenacted as follows:

50-11-02.3. (Effective through ~~June 30, 2005~~ July 31, 2007) Moratorium on expansion of residential child care facility or group home bed capacity. Notwithstanding sections 50-11-02 and 50-11-09, unless a needs assessment conducted by the department indicates a need for the licensing of additional bed capacity, the department may not issue a license under this chapter for any additional bed capacity for a residential child care facility or a group home above the state's gross number of beds licensed as of June 30, 2003."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1234: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (14 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING). HB 1234 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1235, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (14 YEAS, 6 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1235 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1304, as amended, Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1304, as amended, was placed on the Sixth order on the calendar.

Page 1, line 1, remove "provide for state agency and institution reports to the legislative assembly"

Page 1, remove lines 2 and 3

Page 1, line 4, remove "budget data contents; and to" and after "reenact" insert "section 54-27-21.1, subsection 8 of section 54-44.1-06, and"

Page 1, line 5, after the first "to" insert "cost/benefit reports to the budget section for leasing arrangements, financing and leasing information in budget data contents, and"

Page 1, replace lines 7 through 19 with:

"SECTION 1. AMENDMENT. Section 54-27-21.1 of the North Dakota Century Code is amended and reenacted as follows:

54-27-21.1. Documentation of asset acquisitions and leases of state land or property - Report to budget section. Any state agency or institution that acquires the use of an asset as the result of a lease arrangement shall prepare a written analysis documenting the decision to acquire the use of the asset. The agency or institution shall make the analysis available to the auditor for review during the audit for the fiscal period during which the decision was made. Any state agency or institution that acquires the use of an asset with a value of fifty thousand dollars or more as the result of a lease arrangement or that leases state land or property shall prepare a written cost/benefit analysis supporting the leasing arrangement and present the analysis to the budget section of the legislative council.

SECTION 2. AMENDMENT. Subsection 8 of section 54-44.1-06 of the North Dakota Century Code, as effective after June 30, 2005, is amended and reenacted as follows:

8. A detailed report on all state agency and institution financing or leasing arrangements for the current biennium and financing or leasing arrangements being recommended in the executive budget, including a list of every individual asset or service, excluding real estate, with a value of at least fifty thousand dollars and every group of assets and services comprising a single system with a combined value of at least fifty thousand dollars acquired through a capital or operating lease arrangement or debt financing arrangement by a state agency or institution. ~~The list must include assets or services acquired in the current biennium and anticipated assets or services to be acquired in the next biennium.~~ The report must contain information on the purpose of the arrangement, the original amount financed, current indebtedness, the length of the commitment, payment amounts, interest rates, and the source of funding used to make current and future payments."

Page 2, line 5, replace "10" with "8"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1311: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1311 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1319: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1319 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1360, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (21 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1360 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1374: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1374 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1375, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (11 YEAS, 9 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1375 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1386: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1386 was placed on the Sixth order on the calendar.

Page 2, line 19, remove "unreasonable"

Page 2, line 23, after "action" insert "alleging a professional malpractice claim", replace "every professional malpractice claim filed" with "notice of a professional malpractice claim and a demand for a mandatory alternative dispute resolution must be served by the claimant upon the professional. The requirement for alternative dispute resolution in this section may be waived if all parties consent in writing before the commencement of the action"

Page 2, remove line 24

Page 2, line 25, remove "to mandatory alternative dispute resolution"

Page 2, line 27, after the underscored period insert "The supreme court may establish a statewide mandatory alternative dispute resolution program for the resolution of other claims as determined by the supreme court."

Page 3, line 10, replace "agreement" with "process"

Page 3, line 11, replace "The court may award attorney's fees in the civil action and the" with "The parties must state in the pleadings that they have complied with the alternative dispute resolution process required by this section."

Page 3, remove lines 12 through 17

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1391: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1391 was placed on the Sixth order on the calendar.

Page 1, line 8, after the third comma insert "10-19.1-21,"

Page 5, line 17, overstrike "executed" and insert immediately thereafter "signed"

Page 6, after line 15, insert:

"(3) If a general partnership, then chapters 45-13 through 45-21;"

Page 6, line 16, replace "(3)" with "(4)"

Page 6, line 17, replace "(4)" with "(5)"

Page 6, line 18, replace "(5)" with "(6)"

Page 9, line 23, replace "which" with "that"

Page 9, after line 28, insert:

"d. A general partnership, its partnership interests;"

Page 9, line 29, replace "d." with "e."

Page 9, line 30, replace "e." with "f."

Page 10, line 12, overstrike the second "the" and insert immediately thereafter "a corporation's" and after "articles" insert "of incorporation or in a foreign corporation's certificate of authority"

Page 10, line 13, overstrike "of the corporation"

Page 14, line 22, after "any" insert "lawful"

Page 14, line 23, remove the overstrike over "business" and remove "lawful"

Page 22, after line 18, insert:

"SECTION 7. AMENDMENT. Section 10-19.1-21 of the North Dakota Century Code is amended and reenacted as follows:

10-19.1-21. Articles of amendment. When an amendment has been adopted, articles of amendment must be prepared ~~that~~which contain:

1. The name of the corporation.
2. The amendment adopted.
3. The date of the adoption of the amendment by the shareholders or by the incorporators or the board when no shares have been issued.
4. ~~If the amendment provides for but does not establish the manner for effecting an exchange, reclassification, or cancellation of issued shares, a statement of the manner in which it will be effected.~~
5. If the amendment restates the articles in their entirety, a statement that the restated articles supersede the original articles and all amendments to ~~them~~ the original articles.

6. 5. A statement that the amendment has been adopted pursuant to this chapter."

Page 37, line 2, replace "execute" with "sign"

Page 40, line 9, replace "shall mean" with "means"

Page 40, remove line 16

Page 40, line 17, replace "(5)" with "(4)"

Page 40, line 18, replace "(6)" with "(5)"

Page 41, line 17, replace "shall be" with "is"

Page 42, line 14, replace "shall" with "must"

Page 42, line 22, after "conversion" insert "without organization records"

Page 43, line 17, replace "a" with "the appropriate"

Page 43, line 24, remove "or"

Page 43, line 25, after "partnership" insert "or a limited liability limited partnership, or is a managing partner in a limited liability partnership"

Page 46, line 23, after "corporation" insert "or foreign corporation"

Page 46, line 25, after "corporation" insert ", the foreign corporation," and after "or" insert "any"

Page 47, line 2, after "corporation" insert "or foreign corporation"

Page 47, line 4, after the overstruck comma insert "or foreign corporation"

Page 47, line 6, after "office" insert "if located in this state"

Page 47, line 12, after "office" insert "if located in this state" and after "corporation" insert "or foreign corporation"

Page 47, line 27, remove the overstrike over "registered" and remove "certified"

Page 47, line 28, after "corporation" insert "or foreign corporation"

Page 59, line 14, replace "executed" with "signed"

Page 59, line 19, replace "executed" with "signed"

Page 59, line 28, replace "shall" with "must"

Page 61, line 2, after "All" insert "annual"

Page 64, line 9, remove "or governed by"

Page 65, line 12, overstrike "executed" and insert immediately thereafter "signed"

Page 66, after line 21, insert:

"(3) If a general partnership, then chapters 45-13 through 45-21;"

Page 66, line 22, replace "(3)" with "(4)"

Page 66, line 23, replace "(4)" with "(5)"

Page 66, line 24, replace "(5)" with "(6)"

Page 71, line 1, overstrike the second "the" and insert immediately thereafter "a limited liability company's" and after "articles" insert "of organization or a foreign limited liability company's certificate of authority"

Page 71, line 2, overstrike "of the limited liability company"

Page 83, line 26, after "and" insert "which"

Page 83, line 27, remove "or"

Page 83, line 28, after "partnership" insert "or a limited liability limited partnership, or is a managing partner of a limited liability partnership"

Page 89, line 23, remove "as"

Page 99, line 25, after "liability" insert "company"

Page 99, line 28, replace "execute" with "sign"

Page 103, line 28, replace "shall mean" with "means" and after "formed" insert "by two or more persons"

Page 103, line 30, replace "which" with "that"

Page 104, remove line 4

Page 104, line 5, replace "(5)" with "(4)"

Page 104, line 6, replace "(6)" with "(5)"

Page 105, line 7, replace "shall be" with "is"

Page 106, line 4, replace "shall" with "must"

Page 106, line 12, after "conversion" insert "without organizational records"

Page 107, line 7, replace "a" with "the appropriate"

Page 107, line 14, remove "or"

Page 107, line 15, after "partnership" insert "or a limited liability limited partnership, or is a managing partner of a limited liability partnership"

Page 110, line 18, after "company" insert "or foreign limited liability company"

Page 110, line 20, after "company" insert ", the foreign limited liability company," and after "or" insert "a"

Page 110, line 29, after "company" insert "or foreign limited liability company"

Page 110, line 30, after "company" insert "or foreign limited liability company"

Page 110, line 31, after "company" insert "or foreign limited liability company"

Page 111, line 2, after "office" insert "if located in this state"

Page 111, line 6, after "office" insert "if located in this state" and after "company" insert "or foreign limited liability company"

Page 111, line 9, after "company" insert "or foreign limited liability company"

Page 111, line 18, after "company" insert "or foreign limited liability company"

Page 111, line 24, remove the overstrike over "registered" and remove "certified"

Page 112, line 10, after "company" insert "or foreign limited liability company"

Page 119, line 21, after "its" insert "the"

Page 121, line 12, replace "executed" with "signed"

Page 121, line 17, replace "executed" with "signed"

Page 121, line 26, replace "shall" with "must"

Page 123, line 1, after "All" insert "annual"

Page 124, line 27, overstrike "executed" and insert immediately thereafter "signed"

Page 128, line 25, overstrike the second "the" and insert immediately thereafter "a corporation's" and after "of" insert "incorporation or in"

Page 128, line 26, overstrike the first "corporation" and insert immediately thereafter "foreign corporation's certificate of authority" and overstrike "of the corporation"

Page 130, line 4, after "merger" insert "which"

Page 131, line 5, after "filed" insert "articles of dissolution"

Page 137, line 11, after "and" insert "which"

Page 137, line 12, remove the second "or"

Page 137, line 13, after "partnership" insert "or a limited liability limited partnership, or is a managing partner of a limited liability partnership"

Page 142, line 8, after "corporation" insert "or foreign corporation,"

Page 142, line 10, after "corporation" insert ", the foreign corporation," and after "or" insert "a"

Page 142, line 18, after "corporation" insert "or foreign corporation"

Page 142, line 19, remove the overstrike over "~~or~~" and after "~~upon~~" insert "foreign corporation"

Page 142, line 20, remove the overstrike over "~~or~~" and after "~~upon~~" insert "foreign corporation"

Page 142, line 22, after "office" insert "if located in this state"

Page 142, line 27, after "office" insert "if located in this state"

Page 143, line 6, after "office" insert "if located in this state"

Page 143, line 7, after "corporation" insert "or foreign corporation"

Page 143, line 14, after "corporation" insert "or foreign corporation"

Page 143, line 30, after "corporation" insert "or foreign corporation"

Page 153, line 7, replace "executed" with "signed"

Page 153, line 12, replace "executed" with "signed"

Page 153, line 21, replace "shall" with "must"

Page 157, line 17, overstrike "executed" and insert immediately thereafter "signed"

Page 163, line 2, remove "and"

Page 163, line 4, replace the underscored period with "; and"

Page 163, after line 4, insert:

"5. The provisions of this chapter relating to electronic records and electronic transactions do not limit or supersede chapter 9-16."

Page 170, line 6, replace "shall mean" with "means" and after "formed" insert "by two or more persons"

Page 170, remove line 15

Page 170, line 16, replace "(6)" with "(5)"

Page 170, line 17, replace "(7)" with "(6)"

Page 170, line 22, overstrike "limited" and overstrike "created" and insert immediately thereafter "that is formed by two or more persons"

Page 170, line 23, after "jurisdiction" insert "and which has one or more general partners and one or more limited partners"

Page 174, line 13, replace "shall" with "must"

Page 174, line 21, after "conversion" insert "without organizational records"

Page 175, line 19, replace "a" with "the appropriate"

Page 175, line 28, remove "or"

Page 175, line 29, after "partnership" insert "or a limited liability limited partnership, or is a managing partner of a limited liability partnership"

Page 181, line 11, after "must" insert "be accompanied by the plan of merger without organizational records and must"

Page 182, line 1, overstrike "executed" and insert immediately thereafter "signed"

Page 184, line 12, after "formed" insert "by two or more persons"

Page 184, line 27, overstrike "executed" and insert immediately thereafter "signed"

Page 185, line 10, after "formed" insert "by two or more persons"

Page 186, line 21, remove the overstrike over "~~at the~~"

Page 186, line 29, after "receive" insert "notice"

Page 189, line 8, after "partnership" insert "or foreign limited liability partnership"

Page 194, line 3, after "partnership" insert "or foreign limited liability partnership"

Page 194, line 5, after "partnership" insert ", the foreign limited liability partnership," and after "or" insert "a"

Page 194, line 11, after the second "partnership" insert "or foreign limited liability partnership"

Page 194, line 15, after "partnership" insert "or foreign limited liability partnership"

Page 194, line 17, remove the overstrike over "~~or~~" and after "~~or~~" insert "at the principal executive office if located in this state"

Page 194, line 22, after "partnership" insert "or foreign limited liability partnership"

Page 194, line 23, after "partnership" insert "or foreign limited liability partnership"

Page 195, line 1, after "partnership" insert "or foreign limited liability partnership"

Page 195, line 7, overstrike "certified" and insert immediately thereafter "registered"

Page 195, line 8, after "partnership" insert "or foreign limited liability partnership," and overstrike "limited liability partnership's"

Page 195, line 13, replace "which" with "or foreign limited liability partnership that"

Page 195, line 16, after "partnership" insert "or foreign limited liability partnership"

Page 195, line 18, after "partnership" insert "or foreign limited liability partnership"

Page 195, line 24, after "partnership" insert "or foreign limited liability partnership"

Page 204, line 1, replace "executed" with "signed"

Page 204, line 6, replace "executed" with "signed"

Page 204, line 16, replace "shall" with "must"

Page 206, line 2, overstrike "and executed" and insert immediately thereafter "which is signed"

Page 206, line 15, overstrike the second "limited liability limited"

Page 206, line 16, after "formed" insert "by two or more persons"

Page 206, line 21, after "partnership" insert "under provisions similar to this chapter"

Page 206, line 25, overstrike the second "limited"

Page 206, line 26, after "formed" insert "by two or more persons"

Page 206, line 29, replace the first "limited" with "general" and replace the second "limited" with "personal"

Page 206, line 30, remove "limited liability" and after "partnership" insert "under provisions similar to chapter 45-10.2"

Page 208, line 5, after the underscored quotation mark insert an underscored comma, remove the overstrike over "a", remove the overstrike over "partnership", and replace "an entity" with "formed by two or more persons"

Page 208, line 20, remove the overstrike over "a" and remove the overstrike over "partnership"

Page 208, line 21, remove "an entity"

Page 210, line 2, after "receive" insert "notice"

Page 212, line 2, after "partnership" insert "or foreign limited liability limited partnership"

Page 222, line 18, replace the first "or" with "of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1397, as amended, Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). HB 1397, as amended, was placed on the Sixth order on the calendar.

Page 1, line 3, remove "; and to provide an appropriation"

Page 1, line 20, after "students" insert ", with eligible students interested in large animal veterinary medicine receiving a priority"

Page 2, remove lines 3 through 8

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds language providing that students interested in large animal veterinary medicine should receive a priority in the selection of eligible students and removes the appropriation provided in Section 2 of the bill.

REPORT OF STANDING COMMITTEE

HB 1409: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1409 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 amend and reenact subsection 1 of section 12.1-32-08 of the North Dakota Century Code, relating to restitution.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 12.1-32-08 of the North Dakota Century Code is amended and reenacted as follows:

1. Before imposing restitution or reparation as a sentence or condition of probation, the court shall hold a hearing on the matter with notice to the prosecuting attorney and to the defendant as to the nature and amount ~~thereof~~ of restitution. The court, when sentencing a person adjudged guilty of criminal activities that have resulted in pecuniary damages, in addition to any other sentence# the court may impose, shall order that the defendant make restitution to the victim or other recipient as determined by the court, unless the court states on the record, based upon the criteria in this subsection, the reason it does not order restitution or orders only partial restitution. Restitution must include payment to the owner of real property that is contaminated by the defendant in the manufacturing of methamphetamine for the cost of removing the contamination and returning the property to the property's condition before contamination and to any other person that has incurred costs in decontaminating the property. In determining whether to order restitution, the court shall take into account:

- a. The reasonable damages sustained by the victim or victims of the criminal offense, which damages are limited to those directly related to the criminal offense and expenses actually incurred as a direct result of the defendant's criminal action. This can include an amount equal to the cost of necessary and related professional services and devices relating to physical, psychiatric, and psychological care. The defendant may be required as part of the sentence imposed by the court to pay the prescribed treatment costs for a victim of a sexual offense as defined in chapters 12.1-20 and 12.1-27.2.
- b. The ability of the defendant to restore the fruits of the criminal action or to pay monetary reparations, or to otherwise take action to restore the victim's property.
- c. The likelihood that attaching a condition relating to restitution or reparation will serve a valid rehabilitational purpose in the case of the particular offender considered.

The court shall fix the amount of restitution or reparation, which may not exceed an amount the defendant can or will be able to pay, and shall fix the manner of performance of any condition or conditions of probation established pursuant to this subsection. The court shall order restitution be paid to the division of adult services for any benefits the division has paid or may pay under chapter 54-23.4 unless the court, on the record, directs otherwise. Any payments made pursuant to the order must be deducted from damages awarded in a civil action arising from the same incident. An order that a defendant make restitution or reparation as a sentence or condition of probation may, unless the court directs otherwise, be filed, transcribed, and enforced by the person entitled to the restitution or reparation or by the division of adult services in the same manner as civil judgments rendered by the courts of this state may be enforced."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1445: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1445 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1480: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HB 1480 was placed on the Sixth order on the calendar.

Page 1, line 8, after "credit" insert "of up to two million dollars"

Page 2, line 19, remove "A corporation entitled to a credit under this"

Page 2, remove lines 20 through 22

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1488, as amended, Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 10 NAYS, 1 ABSENT AND NOT VOTING). HB 1488, as amended, was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide an appropriation"

Page 1, remove lines 21 through 23

Page 2, remove lines 1 and 2

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the appropriation provided in Section 2 of the bill.

REPORT OF STANDING COMMITTEE

HB 1496: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1496 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "2015" with "2010"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1511: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1511 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3011: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HCR 3011 was placed on the Sixth order on the calendar.

Page 1, line 3, remove ", including the"

Page 1, remove line 4

Page 1, line 5, remove "of Engineering at North Dakota State University,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3025: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3025 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3028: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3028 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3031: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3031 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3032: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HCR 3032 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to fund fully all"

Page 1, line 2, remove "federal programs and"

Page 1, line 3, remove "who rely and depend on the federal programs for their health,"

Page 1, line 4, remove "their safety, their education, and their economic well-being"

Page 2, line 22, remove "to fund fully all federal programs and"

Page 2, line 23, remove "who rely and depend on the federal"

Page 2, line 24, remove "programs for their health, their safety, their education, and their economic well-being"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3036: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3036 was placed on the Tenth order on the calendar.

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

Bradley C. Fay, Chief Clerk

