

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

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Bismarck, March 8, 2007

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

The prayer was offered by Chaplain Dan Sweeney with Bismarck Police Department.

The roll was called and all members were present except Representatives Kaldor and Metcalf.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 7, 2007, I have signed the following: HB 1022, HB 1028, HB 1030, HB 1031, HB 1032, HB 1054, HB 1058, HB 1066, HB 1074, HB 1096, HB 1097, HB 1103, HB 1143, HB 1177, and HB 1186.

SIXTH ORDER OF BUSINESS

SPEAKER DELZER DEEMED approval of the amendments to Engrossed SB 2134, Engrossed SB 2135, Engrossed SB 2161, SB 2176, and Engrossed SB 2252.

Engrossed SB 2161, as amended, was rereferred to the **Appropriations Committee**.

Engrossed SB 2134, Engrossed SB 2135, SB 2176, and Engrossed SB 2252, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. BERG MOVED that the House reconsider its action whereby Engrossed SB 2262 passed, which motion prevailed on a verification vote.

MOTION

REP. BERG MOVED that Engrossed SB 2262, which is on the Fourteenth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, Engrossed SB 2262 was rereferred.

MOTION

REP. BERG MOVED that SB 2255, which is on the Fourteenth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, SB 2255 was rereferred.

SECOND READING OF SENATE BILL

SB 2038: A BILL for an Act to create and enact a new subsection to section 54-35-15.2 of the North Dakota Century Code, relating to powers and duties of the information technology committee; and to amend and reenact sections 54-59-02.1, 54-59-07, and 54-59-09 of the North Dakota Century Code, relating to major information technology projects, the state information technology advisory committee, and information technology standards.

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Kaldor; Metcalf

Engrossed SB 2038 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2385: A BILL for an Act to provide an appropriation for a school district or nonpublic school nursing services grant program.

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 34 YEAS, 58 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleson; Hanson; Hawken; Hunskor; Johnson, N.; Kelsh, S.; Kerzman; Kroeber; Meyer, S.; Mueller; Myxter; Nottestad; Onstad; Pinkerton; Potter; Schmidt; Schneider; Solberg; Thorpe; Vig; Williams; Wolf; Zaiser

NAYS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Froseth; Grande; Haas; Hatlestad; Headland; Heller; Herbel; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson; Nelson; Owens; Pietsch; Pollert; Porter; Price; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Kaldor; Metcalf

Engrossed SB 2385 lost.

SECOND READING OF SENATE BILL

SB 2044: A BILL for an Act to amend and reenact sections 39-03.1-11.3, 54-52-17.11, and 54-52-17.13 of the North Dakota Century Code, relating to supplemental retiree benefit payments under the public employees retirement system.

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; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Zaiser; Speaker Delzer

NAYS: Drovdal; Wrangham

ABSENT AND NOT VOTING: Kaldor; Metcalf

SB 2044 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2048: A BILL for an Act to create and enact a new subsection to section 39-03.1-28 and a new subsection to section 54-52-26 of the North Dakota Century Code, relating to confidentiality of retirement records; and to amend and reenact subsections 7 and 8 of section 39-03.1-08.2, subsections 2 and 5 of section 39-03.1-11, sections 39-03.1-11.2, 39-03.1-30, and 54-52-02.9, subsections 2 and 5 of section 54-52-17, subsections 1, 4, 5, and 6 of section 54-52-17.4, sections 54-52-27, 54-52-28, 54-52-29, 54-52.6-09.2,

and 54-52.6-10, and subsection 4 of section 54-52.6-13 of the North Dakota Century Code, relating to terms, final average salary calculations, payment of delayed retirement benefits, conversion of sick leave, temporary employee purchase of service credit, compliance with the Internal Revenue Code, employer service credit purchase, automatic refund of account balances, and vesting under the highway patrolmen's retirement and public employees retirement systems.

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Boe; Kaldor; Metcalf

SB 2048 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2050: A BILL for an Act to amend and reenact sections 54-52-02.9 and 54-52-27, subsection 1 of section 54-52.1-03.2, and subsection 2 of section 54-52.1-03.3 of the North Dakota Century Code, relating to contributions and benefits under the retiree health benefits fund of the public employees retirement system.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 44 YEAS, 48 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Carlisle; Conrad; Dahl; Delmore; Dosch; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleson; Hanson; Hatlestad; Hawken; Hunsakor; Johnson, N.; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kroeber; Martinson; Meier, L.; Meyer, S.; Mueller; Myxter; Onstad; Pinkerton; Porter; Potter; Schmidt; Schneider; Solberg; Thorpe; Uglem; Vig; Weiler; Williams; Wolf; Zaiser

NAYS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Charging; Clark; Damschen; DeKrey; Dietrich; Drovdal; Froseth; Grande; Haas; Headland; Heller; Herbel; Hofstad; Johnson, D.; Kasper; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Monson; Nelson; Nottestad; Owens; Pietsch; Pollert; Price; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigasaa; Wald; Wall; Weisz; Wieland; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Kaldor; Metcalf

Engrossed SB 2050 lost.

SECOND READING OF SENATE BILL

SB 2051: A BILL for an Act to amend and reenact sections 39-03.1-10, 39-03.1-11.3, 54-52-06, and 24-52-17.5 and subsection 2 of section 54-52.6-09 of the North Dakota Century Code, relating to employer contributions and increases to certain retirees' retirement payments under the public employees retirement system; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 64 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boe; Boucher; Conrad; Delmore; Froelich; Glassheim; Griffin; Gruchalla; Kelsh, S.; Kerzman; Kroeber; Meyer, S.; Mueller; Myxter; Onstad; Porter; Potter; Schmidt; Schneider; Solberg; Thorpe; Vig; Williams; Wolf; Zaiser

NAYS: Amerman; Bellew; Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Grande; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson; Nelson; Nottestad; Owens; Pietsch; Pinkerton; Pollert; Price; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Uglen; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Hunskor; Kaldor; Kelsch, R.; Metcalf

SB 2051 lost.

SECOND READING OF SENATE BILL

SB 2045: A BILL for an Act to create and enact a new subsection to section 54-52.1-02 of the North Dakota Century Code, relating to prescription drug coverage under the uniform group insurance program; and to amend and reenact subsection 3 of section 54-52.1-03.3 and sections 54-52.1-03.4 and 54-52.1-04 of the North Dakota Century Code, relating to the retiree health benefits fund, employer payment of a temporary employee's health insurance premium, temporary employee eligibility, and bids for prescription drug coverage under the uniform group insurance program.

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; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglen; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Kaldor; Kelsch, R.; Metcalf; Monson

SB 2045, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2258: A BILL for an Act to amend and reenact sections 57-39.7-01, 57-39.7-02, and 57-39.7-03 of the North Dakota Century Code, relating to making permanent the lodging gross receipts tax; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 82 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Conrad; Glassheim; Johnson, N.; Keiser; Mueller; Potter; Wolf; Zaiser

NAYS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Karls; Kasper; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Schmidt;

Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Kaldor; Kelsch, R.; Metcalf

SB 2258 lost.

SECOND READING OF SENATE BILL

SB 2293: A BILL for an Act to create and enact a new section to chapter 20.1-03 and a new subsection to section 20.1-03-04 of the North Dakota Century Code, relating to hunter education requirements and to hunting, fishing, and trapping privileges for active duty military members.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Kaldor; Kelsch, R.; Metcalf

SB 2293, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2389: A BILL for an Act to amend and reenact section 65-05-12.2 of the North Dakota Century Code, relating to workers' compensation permanent impairment awards; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Kaldor; Kelsch, R.; Metcalf

Engrossed SB 2389, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2411: A BILL for an Act to amend and reenact sections 26.1-22.1-09 and 26.1-22.1-14 of the North Dakota Century Code, relating to hobby boiler operator licensing and fees.

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 79 YEAS, 11 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Charging; Clark; Conrad; Dahl; Damschen; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Wieland; Williams; Wolf; Wrangham; Zaiser

NAYS: Belter; Carlson; DeKrey; Drovdal; Froseth; Grande; Koppelman; Price; Wald; Weisz; Speaker Delzer

ABSENT AND NOT VOTING: Aarsvold; Kaldor; Kelsch, R.; Metcalf

SB 2411, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2052: A BILL for an Act to amend and reenact subsection 8 of section 43-30-02 of the North Dakota Century Code, relating to an exception from private investigative licensing for fire origin and cause investigations.

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

NAYS: Skarphol

ABSENT AND NOT VOTING: Kaldor; Kelsch, R.; Metcalf

SB 2052 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that Engrossed SB 2029, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, Engrossed SB 2029 was rereferred.

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

MR. SPEAKER: The President has signed: SB 2031, SB 2216, SB 2359, SB 2380, SB 2381.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2149, SB 2250, SB 2263, SB 2271, SB 2360, SB 2369.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: Your signature is respectfully requested on: HB 1034, HB 1102, HB 1137, HB 1412.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: HB 1033, HB 1035, HB 1046, HB 1069, HB 1087, HB 1100, HB 1109, HB 1116, HB 1139, HB 1172, HB 1205, HB 1213, HB 1232, HB 1234, HB 1235, HB 1238, HB 1268, HB 1281, HB 1291, HB 1305, HB 1310, HB 1313, HB 1338, HB 1342, HB 1408, HB 1413, HB 1470, HB 1500, HB 1514.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 8, 2007: HB 1033, HB 1035, HB 1046, HB 1069, HB 1087, HB 1100, HB 1109, HB 1116, HB 1139, HB 1172, HB 1205, HB 1213, HB 1232, HB 1234, HB 1235, HB 1238, HB 1268, HB 1281, HB 1291, HB 1305, HB 1310, HB 1313, HB 1338, HB 1342, HB 1408, HB 1413, HB 1470, HB 1500, HB 1514.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: HCR 3020, HCR 3023, HCR 3033, HCR 3044.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on March 8, 2007: HCR 3020, HCR 3023, HCR 3033, HCR 3044.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SB 2149, SB 2250, SB 2263, SB 2271, SB 2360, SB 2369.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: HCR 3030.

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

MR. SPEAKER: The President has signed: HB 1034, HB 1102, HB 1412.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on March 8, 2007: HCR 3030.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed unchanged: SB 2294.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2406.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has failed to pass: SB 2289.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2299.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2168.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1056, HB 1092.

SENATE AMENDMENTS TO HOUSE BILL NO. 1056

Page 2, line 6, remove "and administration of"

Page 2, line 16, remove "and"

Page 2, line 17, remove "administration of"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1092

Page 1, line 11, remove the second "and"

Page 1, line 13, after "proceedings" insert "; and to provide for a legislative council study"

Page 19, line 23, remove "regarding Indian child"

Page 19, replace lines 24 through 29 with "When an agency is seeking to effect a foster care placement of, or termination of parental rights to an Indian child, the court shall require active efforts as set forth in 25 U.S.C. section 1912(d)."

Page 20, remove lines 1 through 31

Page 21, remove lines 1 through 31

Page 22, remove lines 1 through 10

Page 30, after line 31, insert:

"SECTION 37. LEGISLATIVE COUNCIL STUDY - INDIAN CHILD WELFARE.

During the 2007-08 interim, the legislative council shall consider studying the application of and the desirability of changing the law relating to the welfare of Indian children when placed in the care of individuals other than parents and the effect of the Indian Child Welfare Act on state law. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

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

MR. SPEAKER: The Senate has passed unchanged: HB 1023, HB 1062, HB 1071, HB 1130, HB 1221, HB 1439.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Friday, March 9, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2072, as reengrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2072 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "section" with "sections" and after "65-05-19" insert "and 65-05.1-06.1"

Page 1, line 3, remove "and"

Page 1, line 4, after "death" insert ", and rehabilitation awards; and to provide for application"

Page 2, line 3, remove "a."

Page 2, remove lines 7 through 10

Page 2, after line 22, insert:

"SECTION 4. AMENDMENT. Section 65-05.1-06.1 of the North Dakota Century Code is amended and reenacted as follows:

65-05.1-06.1. Rehabilitation award.

1. Within sixty days of receiving the final vocational consultant's report, the organization shall issue ~~an administrative order under chapter 28-32 a notice of decision~~ detailing the employee's entitlement to disability and vocational rehabilitation services.
2. If the appropriate priority option is ~~short-term or long-term training retraining~~, the vocational rehabilitation award must be within the following terms:
 - a. For the employee's lost time, and in lieu of further disability benefits, the organization shall award a rehabilitation allowance. The rehabilitation allowance must be limited to the amount and purpose specified in the award, and must be equal to the disability and

dependent benefits the employee was receiving, or was entitled to receive, prior to the award.

- b. The rehabilitation allowance must include an additional twenty-five percent when it is necessary for the employee to maintain two households, when it is necessary for the employee to maintain two households and the employee elects to commute to and from school on a daily basis rather than maintain a second household and the distance from the employee's residence to the school or training institution is at least thirty miles, or when the employee meets other criteria established by the organization by rule.
- c. The rehabilitation allowance must be limited to one hundred four weeks except in cases of catastrophic injury, in which case additional rehabilitation benefits may be awarded in the discretion of the organization. Catastrophic injury includes:
 - (1) Paraplegia; quadriplegia; severe closed head injury; total blindness in both eyes; or amputation of an arm proximal to the wrist or a leg proximal to the ankle, caused by the compensable injury, which renders an employee permanently and totally disabled without further vocational retraining assistance; or
 - (2) Those employees the organization so designates, in its sole discretion, provided that the organization finds the employee to be permanently and totally disabled without further vocational retraining assistance. There is no appeal from an organization decision to designate, or fail to designate, an employee as catastrophically injured under this subsection.
- d. The rehabilitation award must include the cost of books, tuition, fees, and equipment, tools, or supplies required by the educational institution. The award may not exceed the cost of attending a public college or university in the state in which the employee resides, provided an equivalent program exists in the public college or university.
- e. If the employee successfully concludes the rehabilitation program, the organization may make, in its sole discretion, additional awards for actual relocation expenses to move the household to the locale where the claimant has actually located work.
- f. If the employee successfully concludes the rehabilitation program, the organization may make, in its sole discretion, an additional award, not to exceed two months' disability benefit, to assist the employee with work search.
- g. If the employee successfully concludes the rehabilitation program, the employee is not eligible for further vocational retraining or total disability benefits unless the employee establishes a significant change in medical condition attributable to the work injury which precludes the employee from performing the work for which the employee was trained, or any other work for which the employee is suited. The organization may waive this section in cases of catastrophic injury defined by subdivision c.
- h. If the employee successfully concludes the rehabilitation program, the employee remains eligible to receive partial disability benefits, as follows:
 - (1) Beginning the date at which the employee completes retraining, until the employee acquires and performs substantial gainful employment, the partial disability benefit is sixty-six and two-thirds percent of the difference between the injured employee's average weekly wages before the injury, and the employee's wage-earning capacity after retraining, as measured by the average wage in the employee's occupation, according to criteria established by job service North Dakota in its statewide labor market survey, or such other criteria the organization, in its sole discretion, deems appropriate. The

average weekly wage must be determined on the date the employee completes retraining. The benefit continues until the employee acquires substantial gainful employment.

- (2) Beginning the date at which the employee acquires substantial gainful employment, the partial disability benefit is sixty-six and two-thirds percent of the difference between the injured employee's weekly wages before the injury, and the employee's wage-earning capacity after retraining, as determined under paragraph 1, or the employee's actual postinjury wage earnings, whichever is higher.
 - (3) The partial disability benefit payable under paragraphs 1 and 2 may not exceed the limitation on partial disability benefits contained in section 65-05-10.
 - (4) The partial disability benefits paid under paragraphs 1 and 2 may not together exceed one year's duration.
 - (5) For purposes of paragraphs 1 and 2, "substantial gainful employment" means full-time bona fide work, for a remuneration, other than make-work. "Full-time work" means employment for twenty-eight or more hours per week, on average.
 - (6) The organization may waive the one-year limit on the duration of partial disability benefits, in cases of catastrophic injury under subdivision c.
3. If the appropriate priority option is return to the same or modified position, or to a related position, the organization shall determine whether the employee is eligible to receive partial disability benefits pursuant to section 65-05-10. In addition, the organization, when appropriate, shall make an additional award for actual relocation expenses to move the household to the locale where the claimant has actually located work.

SECTION 5. APPLICATION. The rate in subsection 10 of section 65-05-08 contained in section 2 of this Act applies to each eligible employee on or after the effective date of this Act. Section 3 of this Act applies to deaths occurring on or after the effective date of this Act. Section 4 of this Act applies retroactively to all claims filed on or after January 1, 2006."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2103, as reengrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Reengrossed SB 2103 was placed on the Sixth order on the calendar.

Page 1, line 2, after the first "of" insert "acute"

Page 1, line 7, replace "**Forensic**" with "**Acute forensic**"

Page 1, line 9, replace "a" with "an acute"

Page 1, line 18, replace "a" with "an acute"

Page 1, line 23, after "performing" insert "acute"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2105, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2105 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2109, as engrossed: 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). Engrossed SB 2109 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 23-16 of the North Dakota Century Code, relating to a moratorium exemption; to"

Page 1, line 4, after the semicolon insert "to provide for a legislative council study;"

Page 1, line 8, remove the overstrike over "~~during the~~"

Page 1, line 9, remove the overstrike over "~~period between August 1,~~", after "2005" insert "2007", remove the overstrike over "~~, and July 31,~~", after "2007" insert "2009", and remove the overstrike over the fourth overstruck comma

Page 1, line 11, overstrike "the state department of health and"

Page 1, line 20, remove "state department of health and the" and replace "grant" with "grants"

Page 2, line 3, remove the overstrike over "~~during the period between August 1,~~", after "2005" insert "2007", and remove the overstrike over "~~, and~~"

Page 2, line 4, remove the overstrike over "~~July 31,~~" and after "2007" insert "2009"

Page 2, after line 7, insert:

"SECTION 3. AMENDMENT. A new section to chapter 23-16 of the North Dakota Century Code is created and enacted as follows:

Moratorium exemption. The department of human services shall exempt any entity from the moratorium under section 23-16-01.1 if that entity demonstrates to the department an access critical area in which the skilled nursing bed population is less than sixty beds per one thousand elderly individuals. An exemption granted under this section may not become effective until March 1, 2009.

SECTION 4. LEGISLATIVE COUNCIL STUDY - LONG-TERM CARE. The legislative council shall study the state's long-term care system including geographical boundaries for determining capacity, capacity, access, workforce, reimbursement, and payment incentives. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2110: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2110 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2115: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2115 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2123, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2123 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2125, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2125 was placed on the Sixth order on the calendar.

Page 4, line 4, remove ", which may not exceed federal education"

Page 4, line 5, remove "requirement standards,"

Page 4, line 8, remove ", which may not exceed federal education requirement standards."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2179, as reengrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2179 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2191, as reengrossed: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2191 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2195: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2195 was placed on the Sixth order on the calendar.

Page 1, line 2, after "solicitations" insert "; and to declare an emergency"

Page 2, line 7, replace "PSC" with "PCS"

Page 3, after line 10, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2246: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO NOT PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2246 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2261, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2261 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2266, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2266 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to provide an effective date;"

Page 1, remove line 18

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2274: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2274 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 sections 32-09.1-07, 32-09.1-09, 32-09.1-14, and 32-09.1-15 of the North Dakota Century Code, relating to garnishment proceedings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 32-09.1-07 of the North Dakota Century Code is amended and reenacted as follows:

32-09.1-07. Form of summons and notice.

1. The garnishee summons must state ~~that~~:
 - a. That the garnishee shall serve upon the plaintiff or the plaintiff's attorney within twenty days after service of the garnishee summons ~~a~~:
 - (1) A written disclosure, under oath, of indebtedness to the defendant; ~~and answers~~
 - (2) Answers, under oath, to all written interrogatories that are served with the garnishee summons. ~~The plaintiff may not require disclosure of indebtedness or property of the defendant in the garnishee's possession or under the garnishee's control to the extent that the indebtedness or property exceeds one hundred ten percent of the amount of the judgment which remains unpaid.~~
 - b. ~~The garnishee summons must include the full name of the defendant and, the defendant's place of residence, the date of the entry of judgment against the defendant, the total amount of the judgment which remains unpaid, and the retention amount of. The retention amount is the sum of the amount of the judgment which remains unpaid, one hundred twenty-five dollars, and an amount equal to nine months of interest on the amount of the judgment which remains unpaid. The garnishee summons must also state that~~
 - c. ~~That the garnishee shall retain property, earnings, or money in the garnishee's possession pursuant to this chapter until the plaintiff causes a writ of execution to be served upon the garnishee or until the defendant authorizes release to the plaintiff and must state that.~~
 - d. ~~That after the expiration of the period of time specified in section 32-09.1-20, the garnishee shall release all retained property, earnings, and money to the defendant and is discharged and relieved of all liability on the garnishee summons. The garnishee summons must state that no~~
 - e. ~~That an employer may not discharge any an employee because the employee's property, earnings, or money are subject to garnishment. The garnishee summons must state that~~
 - f. ~~That any assignment of wages made by the defendant or indebtedness to the garnishee incurred within ten days before the receipt of notice of the first garnishment on the underlying debt is void. The garnishee summons must state the date of the entry of judgment against the defendant. The garnishee summons must state that~~
 - g. ~~That the defendant shall must provide to the garnishee within ten days after receipt of the garnishee summons a verified list of the dependent family members who reside with the defendant and their social security numbers, if any, to have the maximum amount subject to garnishment reduced under subsection 2 of section 32-09.1-03. The garnishee summons must state that~~
 - h. ~~That failure of the defendant to provide a verified list to the garnishee within ten days after receipt of the garnishee summons is conclusive with respect to whether the defendant claims no family members.~~
2. Under subdivision a of subsection 1, the plaintiff may not require the garnishee to disclose indebtedness or property of the defendant in the garnishee's possession or under the garnishee's control to the extent that the indebtedness or property exceeds the retention amount.

3. The garnishee summons and notice to defendant must be substantially in the following form:

State of North Dakota)	In _____ Court
) ss.	
County of _____)	_____

Plaintiff		
against		Garnishee Summons and
		Notice to Defendant
	Defendant	
and		
	Garnishee	

The State of North Dakota to the above-named Garnishee:

You shall serve upon the plaintiff or the plaintiff's attorney, within twenty days after service of this summons upon you, a written disclosure, under oath, setting forth the amount of any debt you may owe to the defendant, _____ (give full name and residence of defendant) and a description of any property, money, or effects owned by the defendant which are in your possession. Your disclosure need not exceed \$_____. (Enter ~~140 percent of the plaintiff's judgment which remains unpaid~~ retention amount.) The date of entry of the judgment against the defendant was _____ (enter date of entry of plaintiff's judgment) and the amount of the judgment that remains unpaid is \$_____.

The defendant shall provide you with a verified list of the names of dependent family members who reside with the defendant and their social security numbers if the defendant desires to have the garnishment amount reduced under subsection 2 of section 32-09.1-03. Failure of the defendant to provide the list to you is conclusive to establish that the defendant claims no dependent family members reside with the defendant.

Failure to disclose and withhold may make you liable to the plaintiff for the sum of \$_____. (Enter the ~~lesser of the plaintiff's judgment against the defendant or 140 percent of the~~ retention amount that remains unpaid.)

You shall retain the defendant's nonexempt property, money, earnings, and effects in your possession until a writ of execution is served upon you, until the defendant authorizes release to the plaintiff, or until the expiration of 360 days from the date of service of this summons upon you. If no writ of execution has been served upon you or no agreement has been made for payment within 360 days, the garnishment ends and any property or funds held by you must be returned to the defendant if the defendant is otherwise entitled to their possession.

Any assignment of wages by the defendant or indebtedness to you incurred by the defendant within ten days before the receipt of the first garnishment on a debt is void and should be disregarded.

You may not discharge the defendant because the defendant's earnings are subject to garnishment.

Dated _____, ____.

By: _____

NOTICE TO DEFENDANT

To: _____

The garnishee summons, garnishment disclosure form, and written interrogatories (strike out if not applicable), that are served upon you, were also served upon _____, the garnishee.

(Attorneys for Plaintiff)

(Address)

(Telephone)

SECTION 2. AMENDMENT. Section 32-09.1-09 of the North Dakota Century Code is amended and reenacted as follows:

32-09.1-09. Disclosure.

1. Within the time as limited in the garnishee summons, the garnishee shall serve upon the plaintiff or the plaintiff's attorney written answers, under oath, to the questions in the garnishment disclosure form and to any written interrogatories that are served upon the garnishee. The amount of the garnishee's disclosure need not exceed ~~one hundred ten percent of the amount of the plaintiff's judgment which remains unpaid, after subtracting the total of setoffs, defenses, exemptions, ownerships, or other interests the retention amount.~~ The written answers may be served personally or by mail. If disclosure is by a corporation or limited liability company, it must be verified by ~~some~~ an officer, a manager, or an agent having knowledge of the facts.

2. Disclosure must state:

- 4- a. The amount of disposable earnings earned or to be earned within the defendant's pay periods which may be subject to garnishment and all of the garnishee's indebtedness to the defendant.
- 2- b. Whether the garnishee held, at the time, the title or possession of or any interest in any personal property or any instruments or papers relating to any property belonging to the defendant or in which the defendant is interested. If the garnishee admits any interest or any doubt respecting the interest, the garnishee shall set forth a description of the property and the facts concerning the property and the title, interest, or claim of the defendant in or to the property.
- 3- c. If the garnishee claims any setoff or defense or claim or lien to disposable earnings, indebtedness, or property, the garnishee shall disclose the amount and the facts.
- 4- d. Whether the defendant claims any exemption from execution or any other objection, known to the garnishee or the defendant, against the right of the plaintiff to apply upon demand the debt or property disclosed.
- 5- e. If other persons make claims to any disposable earnings, debt, or property of the defendant, the garnishee shall disclose the names and addresses of the other claimants and, so far as known, the nature of their claims.

3. A garnishment disclosure form must be served upon the garnishee. The disclosure must be substantially in the following form, subject to subsection 3 of section 32-09.1-03:

State of North Dakota)	In _____ Court
) ss.	
County of _____)	_____

Plaintiff	
vs.	

Defendant	
and	Garnishment Disclosure

Garnishee	

I am the _____ of the garnishee and duly authorized to disclose for the garnishee.

On _____, _____, the time of service of garnishee summons on the garnishee, there was due and owing the defendant from the garnishee the following:

1. Earnings. For the purposes of garnishment, "earnings" means compensation payable for personal service whether called wages, salary, commission, bonus, or otherwise, and includes periodic

payments under a pension or retirement program. "Earnings" does not include social security benefits or veterans' disability pension benefits, except when the benefits are subject to garnishment to enforce any order for the support of a dependent child. "Earnings" includes military retirement pay. "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required by law to be withheld. If the garnishee summons was served upon you at a time when earnings from a prior completed pay period were owing but not paid, complete the following disclosure for earnings from both the past pay period and the current pay period.

2. Money. Any amounts due and owing to defendant from the garnishee, except for earnings. (amount and facts)
3. Property. Any personal property, instruments, or papers belonging to the defendant and in the possession of the garnishee. (description, estimated value, and facts)
4. Adverse interest and setoff. Any setoff, defense, lien, or claim by the garnishee or other persons by reason of ownership or interest in the defendant's property. You must state the name and address and the nature of that person's claim if known. (Any assignment of wages made by the defendant or any indebtedness to a garnishee within ten days before the receipt of the first garnishment on a debt is void and should be disregarded.)
- 3- 5. Dependent. Any family member of the defendant who is residing in the defendant's residence. (If properly claimed within ten days after receipt of the garnishee summons.)

4- Worksheet

6. Earnings worksheet:

- a. Total earnings in pay period _____
- b. Federal tax _____
- c. State tax _____
- d. FICA (social security/medicare) _____
- e. Total deductions (lines b+c+d) _____
- f. Disposable earnings (line a less line e) _____
- g. Twenty-five percent of line f _____
- h. Minimum wage exemption
(minimum wage times forty hours times
number of weeks in pay period) _____
- i. Line f less line h _____
- j. Line g or line i (whichever is less) _____
- k. Dependent exemption (twenty dollars
per dependent per week, if claimed) _____
- l. Adverse interest or setoff _____
- m. Total of lines k and l _____
- n. Line j less line m (the amount of earnings
subject to garnishment) _____

~~Line n is the amount subject to garnishment (not to exceed 110 percent of the amount of the judgment which remains unpaid).~~

7. Total of property, earnings, and money. The garnishee shall add the total of property, earnings, and money and if this sum is ten dollars or more, the garnishee shall retain this amount, not to exceed the retention amount identified by the plaintiff in the garnishee summons.

Signature _____
Garnishee or Authorized Representative
of Garnishee

Title

Subscribed and sworn to before me on _____, _____.

Notary Public

SECTION 3. AMENDMENT. Section 32-09.1-14 of the North Dakota Century Code is amended and reenacted as follows:

32-09.1-14. Default. If any garnishee who is duly summoned willfully fails to serve disclosure as required in this chapter, the court, upon proof by affidavit of the creditor, may render judgment against the garnishee for an amount not exceeding the lesser of the plaintiff's judgment against the defendant or one hundred ten percent of the amount which remains unpaid, whichever is the smaller the retention amount as defined under section 32-09.1-07. The creditor shall serve the garnishee with a copy of the affidavit and a notice of intent to take default judgment. The court upon good cause shown may remove the default and permit the garnishee to disclose on terms as may be just.

SECTION 4. AMENDMENT. Section 32-09.1-15 of the North Dakota Century Code is amended and reenacted as follows:

32-09.1-15. Judgment against garnishee. Judgment against a garnishee ~~shall must~~ be rendered, if at all, for the amount due the defendant, or so much thereof as may be necessary to satisfy the plaintiff's judgment against the defendant, with costs taxed and allowed in the proceeding against the garnishee but not to exceed ~~one hundred ten percent of the amount which remains unpaid~~ the retention amount defined under section 32-09.1-07. The judgment ~~shall must~~ discharge the garnishee from all claims of all the parties named in the process to the property, earnings, or money paid, delivered, or accounted for by the garnishee by force of the judgment. When ~~any~~ a person is charged as garnishee by reason of any property in possession other than an indebtedness payable in money, that person shall deliver the property, or so much ~~thereof~~ of the property as may be necessary, to the officer holding execution, and the property ~~shall~~ must be sold and the proceeds accounted for in the same manner as if ~~it~~ the property had been taken on execution against the defendant. The garnishee ~~shall~~ may not be compelled to deliver any specific articles at any time or place other than as stipulated in the contract with the defendant."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2286: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2286 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2296: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2296 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2303, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2303 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and"

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

Page 1, line 9, after "officer" insert "or the state health officer's designee"

Page 2, remove lines 19 through 23

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2326, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2326 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2342: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2342 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2345, as engrossed: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2345 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2364: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2364 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2382: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2382 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2384, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2384 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2417, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2417 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4026: A concurrent resolution urging Congress to exempt travel to the International Peace Garden from passport requirements.

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

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

Buell J. Reich, Chief Clerk