

## JOURNAL OF THE HOUSE

## Sixty-first Legislative Assembly

\* \* \* \* \*

Bismarck, February 12, 2009

The House convened at 12:30 p.m., with Speaker Monson presiding.

The prayer was offered by Matthew Voorhees, Executive Director North Dakota Teen Challenge, Mandan.

The roll was called and all members were present except Representatives Berg, Froelich, S. Kelsh, Kerzman, and Wieland.

A quorum was declared by the Speaker.

**CORRECTION AND REVISION OF THE JOURNAL**

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

Page 417, line 30, insert: "Rep. Vigesaa moved that HCR 3018 be returned to the House floor from the **Education Committee**, which motion prevailed."

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

**MOTION**

**REP. VIGESAA MOVED** that the rules be suspended, according to Rule 329, for HB 1575, which motion prevailed.

**MOTION**

**REP. VIGESAA MOVED** that the House stand in recess until 12:45 p.m., at which time the House will meet in Joint Session with the Senate, and that after the Joint Session with the Senate, that the House reconvene at 1:45 p.m., which motion prevailed.

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

**MOTION**

**REP. VIGESAA MOVED** that a committee of two be appointed to escort Lt. Governor Jack Dalrymple to the rostrum, which motion prevailed. Speaker Monson appointed Rep. Frantsvogand and Sen. Krebsbach to the escort committee.

**SPEAKER MONSON PRESENTED** Lt. Governor Dalrymple to the Assembly and turned the gavel over to him.

**MOTION**

**REP. CHRISTMANN MOVED** moved that a committee of two be appointed to escort the Honorable John Hoeven, Governor of the Great State of North Dakota, to the rostrum, which motion prevailed. The President appointed Rep. Carlson and Sen. Stenehjem to the escort committee.

**SEN. GRINDBERG, Chair**, Lincoln Legislative Memorial Committee, welcomed the Joint Assembly and special guests to the Abraham Lincoln Bicentennial Program.

**SEN. WARNER LED** the singing of "America", accompanied on piano by Sen. Nelson.

**Governor John Hoeven  
Joint Session of the  
61<sup>st</sup> North Dakota Legislative Assembly  
Lincoln Bicentennial Program  
February 12, 2009  
House Chambers - State Capitol**

Good afternoon, and welcome to this historic event as we commemorate the 200<sup>th</sup> birthday of one of this country's greatest Presidents - Abraham Lincoln - a remarkable leader who unified a nation and upheld the ideals of freedom, democracy and equal opportunity for all.

One hundred years ago today, Lieutenant Governor R. S. Lewis and members of the 11<sup>th</sup> North Dakota Legislative Assembly held a similar program on these very grounds to mark Lincoln's 100<sup>th</sup> birthday. Teddy Roosevelt was finishing his second term as President at the time.

Since then, North Dakota has seen the burning and rebuilding of its Capitol building, has significantly grown and diversified its economy to become a prominent player in the global marketplace, and has capitalized on cutting-edge technology and advancements.

Our country has fought in two world wars, has seen the advent of radio and television, computers and space travel, and has become a leading force on the world stage. But with all the progress and development that has changed our way of life throughout the past century, we gather here again today, united by the same ideals as those who came before us - inspired by a frontier lawyer who became the 16<sup>th</sup> President of the United States and went on to leave an indelible mark on our state, our nation and the world.

Even though Lincoln never visited what is now North Dakota, our state has been not only changed, but shaped by the policies and laws enacted during his presidency.

The signing of the Homestead Act in 1862 and the charter for the Northern Pacific Railroad in 1864 brought pioneers to the Northern Plains and led to the settlement of towns and cities, many of which are growing and thriving today.

The Morrill Land Grant College Act, signed by Lincoln in 1862, founded what is now North Dakota State University, a premier education and research institution specializing in agriculture, engineering and technology.

He also appointed the first two Governors of the Dakota Territory, part of which later became North Dakota.

Today, we celebrate what Lincoln represents, not only to Americans, but to people throughout the world - freedom, democracy and equality, as well as kindness, integrity and courage.

Lincoln's extraordinary leadership and transforming accomplishments as President significantly shaped our state and reunified our nation. He strengthened the underlying purpose of government as an institution "of the people, by the people, for the people."

With the belief that all men are created equal, he led the national effort to free all slaves in the United States. Delivering his immortal speech in Gettysburg, Pennsylvania, on November 19, 1863, he invoked the basic principles of human equality as outlined in the Declaration of Independence.

His strength of character redefined the objective of the American Civil War from saving the Union to fostering "a new birth of freedom."

Despite the tragedy and turmoil of the Civil War, Abraham Lincoln demonstrated through words and actions a generosity of heart and greatness of character that generated a spirit of reconciliation - with "malice toward none and charity for all."

In his own words, Lincoln said, "the assertion that all men are created equal was of no practical use in effecting our separation from Great Britain and it was placed in the Declaration not for that, but for future use."

That is an ideal he admirably upheld through both word and deed - an ideal that will continue to impact future generations.

Now, it is my pleasure to introduce students from the fourth grade class at Fort Lincoln Elementary in Mandan. Additional students representing schools across the state named for President Abraham Lincoln were unable to be here today as a result of the weather.

But just as Lincoln's enduring words from his Gettysburg Address were read during the Joint Session 100 years ago, these students will today recite the speech that changed the course of our nation's history.

Welcome, students.

**LINCOLN'S GETTYSBURG ADDRESS** was read by fourth grade students from Lincoln Elementary School, Mandan.

**MUSIC FROM LINCOLN'S TIME** was presented by fiddlers Austin and Tyrell Fauske, Bottineau and John Halone, Rolla.

**NDSU PRESIDENT JOSEPH A. CHAPMAN**  
**Address to a Joint Session of the North Dakota Legislature**  
**February 12, 2009**

Governor Hoeven, Mr. President, Mr. Speaker, Members of the Joint Assembly. Thank you for giving me this opportunity.

Two hundred years ago in a log cabin in Kentucky, a boy named Abraham was born. Like other boys of his time, he worked with his father, but did not have the opportunity to attend school. As he grew, he accumulated less than a year of formal education. But he hungered for education, and did what he could to teach himself, and when Abraham Lincoln rose to the highest position in our government, he signed the Morrill Act that established Land Grant Universities.

This was a truly groundbreaking move to provide access to a new kind of education to millions of people never before offered such opportunity.

Lincoln understood that education was the key to the future of this country, and believed providing opportunity to individuals would in turn improve the lives of all Americans. He once said: "Upon the subject of education ... I can only say that I view it as the most important subject which we as a people may be engaged in."

Lincoln believed in what has been called the People's University.

The key language of the Morrill Act is this: "The object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts ... to promote the liberal and practical education of the industrial classes." Education had never before encompassed agriculture and engineering, had never before sought to include any but the elite. This was a radical view in 1862.

We at North Dakota State University are, at all times, mindful of our mission as North Dakota's original Land Grant university and the ideals we are privileged to carry out.

North Dakota signed its Land Grant Act into law and established North Dakota Agricultural College in 1890. Over the ensuing 119 years, North Dakota State University has educated thousands of people, contributed millions in economic development, improved crops for people around the world, and much more, all in close partnership with the people of North Dakota. We are very proud today to have students from every county in the state attending North Dakota State University.

It is fitting that we remember and celebrate this historic day, and pause to appreciate the legacy of this legislation signed by Lincoln, who was President at perhaps the darkest time in the country's history.

The intent to provide opportunity has been enhanced several times over the years. In 1890, Congress passed the Second Morrill Act creating black land-grant colleges and universities, and in 1994, 33 Tribal Colleges became land-grant institutions. Land Grant universities also were enhanced by the 1887 Hatch Act, which provided for research stations, and the Smith-Lever Act of 1914, which established the Extension Services.

In service to our Land Grant mission, we continue to prepare students and citizens for the future. Our work today--to prepare students for and assist business with the global marketplace--is the 21<sup>st</sup> century version of the land-grant ideal.

As we take this day to honor Abraham Lincoln on the historic 200-year anniversary of his birth, I ask you to join together in honoring one of his many enduring visions--that of the land-grant university. Let us look to the future as Lincoln did himself and continue to serve the people of North Dakota. Thank you.

It's my pleasure to introduce to you now our special guest this afternoon, President Abraham Lincoln as portrayed by George Frein. Dr. Frein taught in the philosophy and religion department at the University of North Dakota from 1968 to 1997, and has presented a variety of Chautauqua characters over the years.

Ladies and gentlemen, President Abraham Lincoln ...  
Legislators and Officers of Dakota, Ladies and Gentlemen.

### Lincoln for North Dakota Legislature

It is a great piece of folly to attempt to make anything out of my birth or life. It can all be condensed into a single sentence, and that sentence you will find in Gray's Elegy: "The short and simple annals of the poor." That is my life, and that is all anyone can make of it. At least that is what I told John Locke Scripps, the Chicago editor, when he proposed to write my campaign biography five years ago in 1860.

So today, though it is my [56<sup>th</sup>] birthday, I will not attempt the folly of biography. Rather, at the urging of my good friend, Dr. William Jayne, the first Governor of Dakota Territory, I gladly accept the invitation of the present Governor, Newton Edmunds, to give a brief address to the legislature of Dakota.

Let me be somewhat philosophical in this address. Let me also follow my usual practice of gathering together thoughts I have previously written, some published some unpublished.

Governor Jayne once complained of the rowdiness of the Dakota legislature, so knowing that I will begin with a sedate thought about legislative and governmental purpose. The legitimate object of government, is to do for a community of people, whatever they need to have done, but cannot do or cannot do well for themselves in their separate, and individual capacities. In all that the people can do individually for themselves, government ought not to interfere. Now the desirable things which individuals cannot do well for themselves, require combined action, such as public roads and highways, public schools, charities, orphanage, the administration of justice, and the machinery of government itself.

To this list I would add a state bank. When I was in the Illinois Legislature some years ago, Jacksonian Democrats, led by Stephen A. Douglas, assailed the State Bank, claiming that it was a tool of elitist financiers--mostly Whigs--like myself. I spoke in defense of the Bank as a fair, constitutional, and indispensable institution. On the floor of the legislature, I said: "Mr. Chairman, this movement against the Bank is exclusively the work of politicians; that is to say, a set of men who have interests aside from the interests of the people, and who are--taken as a whole--at least one long step from honest men. Now I say this with great freedom because, being a politician myself, none can regard it as personal." I am happy to say that the Illinois Legislature continued the Bank's operation for the benefit of the people of Illinois.

The people of Dakota, I am sure, are like the people of Illinois and one important likeness has been remarked upon by Governor Jayne in his address to the first session of the territorial legislature when he noted that the fertility of the soil in Dakota was like that of central Illinois and he went on to predict that the wheat granary of the continent will be found in the valley of the Red River.

I hope that prediction comes true in Dakota for many are the benefits of agriculture to a territory. I said as much to a crowd at an agricultural fair in Wisconsin a few years ago. Waxing somewhat philosophical I said this:

**"No other human occupation opens so wide a field for the profitable and agreeable combination of labor and thought as agriculture does. How vast a field is agriculture for the discovery of what is new and valuable! The mind already trained to careful thought in the country school, or higher school, cannot fail to find there an exhaustless source of profitable enjoyment."**

Then waxing poetical I said:

**"Every blade of grass is a study;**

**And to produce two,**

**Where there was but one,**

**Is both a profit and a pleasure.**

**And not grass alone;**

**But soils, seeds, and seasons**

**Hedges, ditches, and fences,**

Draining, droughts, and irrigation--

Plowing, hoeing, and harrowing--

Reaping, mowing, and threshing--

Saving crops, pest of crops, diseases of crops,

And what will prevent or cure them--

Implements, utensils, and machines,

Their relative merits,

And [how] to improve them--

Hogs, horses, and cattle--

Sheep, goats, and poultry--

Trees, shrubs, fruits, plants, and flowers--

The thousand things

Of which these are specimens--

Each a world of study within itself."

The mechanical branches of Natural Philosophy are a ready help in almost everything. The thought recurs that education can best be combined with agricultural labor, or any labor, on the principle of thorough work. And this conforms to what must occur in a world less inclined to wars, and more devoted to the arts of peace, than heretofore. Population will increase rapidly--more rapidly than in former times--and ere long the most valuable of all arts, will be the art of deriving a comfortable subsistence from the smallest area of soil. No community, whose members possess this art, can ever be the victim of oppression in any of its forms. Such a community will be independent of crowned-kings, money-kings, and land-kings.

I should add slave-masters to that list as we are now engaged in a civil war that will soon overthrow the slave oligarchs. How plain it is that the most dumb and stupid slave that ever toiled for a master, does constantly **know** that he is wronged. So plain is it that no one, high or low, ever does mistake it, except in a plainly **selfish** way; for although volume upon volume is written to prove slavery a very good thing, we never hear of the man who wishes to have the good of it, **by being a slave himself**.

Most **governments** have been based on the denial of the equal rights of men; **ours** began, by **affirming** those rights. Our critics said, some men are to **ignorant**, and **vicious**, to share in government. Possibly so, said we; and, by your system, you would always keep them ignorant, and vicious. We proposed to give **all** an unfettered chance; and we expect the weak to grow stronger, the ignorant to grow wiser; and all to grow better and happier together.

We want, as I said in my address at Gettysburg last year "a new birth of freedom--that government of the people, by the people, for the people, shall not perish from the earth."

We want the states to ratify the 13<sup>th</sup> Amendment to the Constitution abolishing slavery in every state of this republic forever.

We want "with malice toward none; with charity for all ... to finish the work we are in ... to bind up the nation's wounds ... to do all which may achieve a just and lasting peace."

It is said an Eastern monarch once charged his wise men to invent him a sentence, to be ever in view, and which should be true and appropriate in all times and situations. They presented him these words: "And this, to, shall pass away." How much it expresses! How chastening in the hour of pride! How consoling in the depths of affliction! "And this, too, shall pass away." And yet, let us hope it is not quite true. Let us hope, rather, that by the best cultivation of the physical world, beneath and around us; and the intellectual and moral world within us, we shall secure an individual, social, and political prosperity, whose course shall be onward and upward, and which, while the earth endures, shall not pass away.

We want legislatures--whether rowdy or sedate--which will labor to this purpose.

I now bid you the best of good fortune in your work which is the "government of the people, by the people, for the people, shall not perish from the earth."

#### MOTION

**REP. VIGESAA MOVED** that the Joint Session be dissolved, which motion prevailed.

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

#### SIXTH ORDER OF BUSINESS

**SPEAKER MONSON DEEMED** approval of the amendments to HB 1198, HB 1422, HB 1434, HB 1573, and HB 1574.

HB 1434, as amended, was rereferred to the **Appropriations Committee**.

HB 1198, HB 1422, HB 1573, and HB 1574, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### SEVENTH ORDER OF BUSINESS

##### MOTION

**REP. WOLF MOVED** that the report of the Minority be substituted for the report of the Majority on HB 1575.

##### REQUEST

**REP. WOLF REQUESTED** a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on HB 1575, which request was granted.

##### ROLL CALL

The question being on the motion that the report of the Minority be substituted for the report of the Majority on HB 1575, the roll was called and there were 34 YEAS, 56 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Delmore; Ekstrom; Glassheim; Griffin; Gruchalla; Hanson; Holman; Hunskor; Kaldor; Kelsh, J.; Kilichowski; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Onstad; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Williams; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovda; Frantsvog; Froseth; Grande; Hatlestad; Hawken; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Meier, L.; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kelsh, S.; Kerzman; Wieland

The motion that the report of the Minority be substituted for the report of the Majority on HB 1575 failed, therefore, the report of the Majority was adopted.

#### SECOND READING OF HOUSE BILL

**HB 1391:** A BILL for an Act to require the insurance commissioner to study health insurance needs in the state and report to the legislative council.

##### 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 77 YEAS, 12 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Dosch; Drovda; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hatlestad; Hawken; Headland; Heller; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kempenich; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Myxter; Nathe; Nelson; Nottestad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Amerman; Boe; Boucher; Conrad; DeKrey; Delzer; Hanson; Holman; Kilichowski; Mock; Onstad; Weisz

**ABSENT AND NOT VOTING:** Froelich; Kasper; Kelsh, S.; Kerzman; Wieland

HB 1391 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1541:** A BILL for an Act to amend and reenact subsection 1 of section 16.1-08.1-03.10 of the North Dakota Century Code, relating to contribution statements for county office candidates.

#### 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 83 YEAS, 6 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Speaker Monson

**NAYS:** Bellew; Kasper; Keiser; Nottestad; Thoreson; Zaiser

**ABSENT AND NOT VOTING:** Froelich; Holman; Kelsh, S.; Kerzman; Wieland

HB 1541 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1545:** A BILL for an Act to provide for a legislative council study relating to the feasibility and desirability of creating a new type of limited liability company called a low-profit limited liability company.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 80 YEAS, 8 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** DeKrey; Delzer; Grande; Keiser; Pollert; Skarphol; Thoreson; Wald

**ABSENT AND NOT VOTING:** Froelich; Holman; Kelsh, S.; Kerzman; Metcalf; Wieland

Engrossed HB 1545 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1564:** A BILL for an Act to amend and reenact subsection 1 of section 15.1-21-02 and section 15.1-21-02.1 of the North Dakota Century Code, relating to personal finance as a required high school unit; 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 30 YEAS, 60 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Boehning; Brandenburg; Conklin; Delzer; Dosch; Frantsvog; Froseth; Grande; Griffin; Hatlestad; Headland; Kasper; Keiser; Kempenich; Klein; Koppelman; Metcalf; Meyer, S.; Nathe; Schneider; Thoreson; Thorpe; Vig; Wald; Weiler; Winrich; Wolf; Wrangham; Zaiser

**NAYS:** Amerman; Belter; Berg; Boe; Boucher; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Drovdal; Ekstrom; Glassheim; Gruchalla; Hanson; Hawken; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, J.; Kilichowski; Kingsbury; Klemmin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Skarphol; Sukut; Svedjan; Uglem; Vigesaa; Wall; Weisz; Williams; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kelsh, S.; Kerzman; Wieland

HB 1564 lost.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1562:** A BILL for an Act to provide for a legislative council study of an administrative leave program for state employees to attend certain hearings or meetings.

**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 74 YEAS, 15 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Ekstrom; Frantsvog; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kilichowski; Kingsbury; Klemmin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pinkerton; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wall; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Bellew; Belter; Delzer; Drovdal; Froseth; Grande; Headland; Kasper; Kempenich; Klein; Pietsch; Pollert; Thoreson; Wald; Weiler

**ABSENT AND NOT VOTING:** Froelich; Kelsh, S.; Kerzman; Kreidt; Wieland

Engrossed HB 1562 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1534:** A BILL for an Act to amend and reenact section 39-08-01.2 of the North Dakota Century Code, relating to special punishment for causing injury or death while under the influence of alcohol.

**ROLL CALL**

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klein; Klemmin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson;

Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kelsh, S.; Kerzman; Porter; Wieland

Engrossed HB 1534 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1510:** A BILL for an Act to amend and reenact subsection 1 of section 37-19.1-04 of the North Dakota Century Code, relating to veterans' preference.

### ROLL CALL

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kaldor; Kelsh, S.; Kerzman; Wieland

Engrossed HB 1510 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1466:** A BILL for an Act to create and enact chapter 17-06 of the North Dakota Century Code, relating to establishment and powers and duties of an oil and gas impact remediation commission; to amend and reenact subsection 1 of section 57-51-15 and section 57-62-03 of the North Dakota Century Code, relating to allocation of oil and gas gross production tax revenues for impact remediation and elimination of the energy development impact office; to repeal sections 57-62-03.1, 57-62-04, 57-62-05, and 57-62-06 of the North Dakota Century Code, relating to elimination of the energy development impact office; to provide a continuing appropriation; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 79 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Belter; Drovdal; Froseth; Hatlestad; Heller; Kempenich; Porter; Rust; Schatz; Skarphol; Sukut

**NAYS:** Amerman; Bellew; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Ekstrom; Frantsvog; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hawken; Headland; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Potter; Ruby; Schmidt; Schneider; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kelsh, S.; Kerzman; Wieland

Engrossed HB 1466 lost.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1463:** A BILL for an Act to create and enact three new sections to chapter 54-07 of the North Dakota Century Code, relating to the creation of a state youth council; to provide for a report to the legislative council; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 39 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Berg; Boe; Boucher; Clark; Conklin; Conrad; Dahl; Delmore; Ekstrom; Frantsvog; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunskor; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, J.; Kilichowski; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Uglem; Vig; Wall; Williams; Winrich; Wolf; Zaiser; Speaker Monson

**NAYS:** Bellew; Belter; Boehning; Brandenburg; Carlson; Damschen; DeKrey; Delzer; Dosch; Drovdal; Froseth; Grande; Headland; Heller; Johnson, D.; Kasper; Keiser; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Nathe; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Vigesaa; Wald; Weiler; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Froelich; Kelsh, S.; Kerzman; Wieland

Engrossed HB 1463 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1453:** A BILL for an Act to create and enact a new section to chapter 54-21.3 of the North Dakota Century Code, relating to wheelchair accessibility of businesses that receive state or local economic development funds; 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 NOT PASS, the roll was called and there were 19 YEAS, 72 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boucher; Conrad; Glassheim; Griffin; Kaldor; Kelsch, R.; Kelsh, J.; Kretschmar; Metcalf; Mock; Mueller; Onstad; Pinkerton; Porter; Vig; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Grande; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kroeber; Martinson; Meier, L.; Meyer, S.; Myxter; Nathe; Nelson; Nottestad; Pietsch; Pollert; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman; Wieland

Engrossed HB 1453 lost.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1417:** A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to the liability of persons working with liquefied petroleum gas, methane, or natural gas; to provide for application; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 31 YEAS, 60 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Boehning; Brandenburg; DeKrey; Delzer; Frantsvog; Grande; Hatlestad; Headland; Heller; Johnson, D.; Karls; Kempenich; Klein; Kreidt; Kretschmar; Nathe; Onstad; Pollert; Porter; Ruby; Rust; Schatz; Schmidt; Skarphol; Sukut; Vigesaa; Wald; Weiler; Weisz

**NAYS:** Amerman; Berg; Boe; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; Delmore; Dosch; Drovdal; Ekstrom; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Hofstad; Holman; Hunskor; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klemin; Koppelman; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Pietsch; Pinkerton; Potter; Schneider; Svedjan; Thoreson; Thorpe; Uglem; Vig; Wall; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman; Wieland

Engrossed HB 1417 lost.

\*\*\*\*\*

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1037, HB 1061, HB 1062, HB 1063, HB 1101, HB 1150, HB 1151, HB 1161, HB 1201, HB 1289, HB 1299, HB 1430, HB 1455, HB 1525, HB 1561, HCR 3008.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1064, HB 1464.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on February 12, 2009: HCR 3018.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2048, SB 2255, SB 2269, SB 2310, SB 2366, SB 2371, SB 2376, SB 2377, SB 2405, SB 2413, SB 2431, SB 2432.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2359.

**MOTION**

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

**MOTION**

**REP. VIGESAA 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 12:30 p.m., Friday, February 13, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1044, as engrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1044 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "and implement or contract for the implementation of" with "within current appropriations."

Page 1, line 20, replace "Within the limits of appropriations, services" with "Services"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1057: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1057 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "four new sections to chapter 37-15 and"

Page 1, line 2, remove "governance of the veterans' home"

Page 1, line 3, remove the first "and", replace "sections" with "section", and remove the comma

Page 1, remove line 4

Page 1, line 5, remove "37-18.1-04" and remove the second comma

Page 1, remove line 6

Page 1, line 7, remove "the administrative committee on veterans' affairs"

Page 1, line 17, replace "national association of county" with "department of veterans' affairs"

Page 1, line 18, remove "veterans' service officers" and replace "one year" with "two years"

Page 2, remove lines 3 through 29

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 27

Page 5, remove lines 4 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 8

Page 9, line 10, replace "shall" with "may" and after "use" insert "up to"

Page 9, line 16, replace "national association of county veterans service officers" with "department of veterans' affairs"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1073: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1073 was placed on the Sixth order on the calendar.

Page 1, line 1, after "37-17.3" insert "and a new section to chapter 65-06"

Page 1, line 2, after "Act" insert "and workers' compensation coverage of volunteers"

Page 1, line 3, replace "subdivision b of subsection 2 of section 28-32-01" with "section 65-06-05"

Page 1, line 4, replace "application of the Administrative Agencies Practice Act" with "workers' compensation coverage of volunteers"

Page 1, remove lines 6 through 9

Page 1, line 18, after "the" insert "state" and replace "emergency services" with "health"

Page 1, line 20, after the second "the" insert "state" and replace "emergency services" with "health"

Page 1, line 22, after "37-17.1" insert "and any event, condition, or incident for which the deployment of volunteer health practitioners is determined to be necessary by the state health officer or a local board of health"

Page 2, line 7, after "services" insert "and any other individual performing nonmedical support disaster or emergency responsibilities or duties at any place in this state subject to the order or control of, or pursuant to a request of, the state department of health or a local"

public health unit and deployed through the emergency system for advance registration of volunteer health professionals"

Page 3, line 13, replace "while" with "during" and remove "declaration"

Page 3, line 14, remove "is in effect"

Page 3, line 17, replace "while" with "during"

Page 3, line 18, remove "declaration is in effect"

Page 3, line 20, replace "While" with "During", remove "declaration is in effect", after "the" insert "state", and replace "emergency services" with "health"

Page 4, line 1, after "the" insert "state" and replace "emergency" with "health"

Page 4, line 2, remove "services"

Page 4, replace line 7 with:

- "1. In the case of a volunteer health practitioner whose principal practice is located in this state and who is licensed by a North Dakota professional board or agency, the volunteer health practitioner registration system is the emergency system for advance registration of volunteer health professionals and is maintained by the state department of health and is known as the public health emergency volunteer medical reserve corps.
2. In the case of a volunteer health practitioner who is not covered under subsection 1, the volunteer health practitioner registration system is the system established under subsection 1 or a system that qualifies under this subsection. To qualify as a volunteer health practitioner registration system under this subsection, a system must:"

Page 4, line 15, replace the underscored semicolon with an underscored colon

Page 4, line 22, after the underscored semicolon insert "or"

Page 4, line 31, replace "; or" with an underscored period

Page 5, remove lines 1 and 2

Page 5, line 3, replace "2." with "3.", replace "While" with "During", remove "declaration is in effect", after "the" insert "state", and replace "emergency" with "health"

Page 5, line 4, remove "services", after "the" insert "state", and replace "emergency" with "health"

Page 5, line 5, remove "services"

Page 5, line 7, after "1" insert "or 2"

Page 5, line 10, replace "3." with "4." and replace "2" with "3"

Page 5, line 14, replace "4." with "5."

Page 5, line 18, replace "While" with "During" and remove "declaration is in effect"

Page 6, line 11, replace "while" with "during" and remove "declaration is in effect"

Page 6, line 21, after "The" insert "state" and replace "emergency services" with "health"

Page 8, line 6, replace "department of emergency services" with "health council"

Page 8, line 7, replace "department of emergency services" with "health council"

Page 9, line 1, replace "protections" with "immunity"

Page 9, line 4, remove ", including section 23-27-04.1 and chapter 32-03.1"

Page 9, replace lines 6 through 27 with:

- "1. Except as provided in subsection 2, a volunteer health practitioner who dies or is injured as the result of providing health or veterinary services as provided under this chapter is not considered to be an employee of this state for the purpose of receiving benefits under title 65 and must be treated for the purposes of North Dakota law as an individual eligible for workers' compensation or similar benefits under the law of the state in which the volunteer is qualified for service under an emergency system for advance registration of volunteer health practitioners authorized under subsection 2 of section 37-17.3-04.
2. A volunteer health practitioner whose principal practice is located in this state and who is licensed by a North Dakota professional board or agency who dies or is injured as a result of providing health or veterinary services as provided under this chapter is eligible for benefits as provided under title 65 if the volunteer is qualified and serving under the emergency system for advance registration of volunteer health practitioners of this state under subsection 1 of section 37-17.3-04.

**SECTION 2. AMENDMENT.** Section 65-06-05 of the North Dakota Century Code is amended and reenacted as follows:

**65-06-05. Reimbursement by state for liability in excess of premiums collected.** Whenever liability on claims against the fund credited to the classification of ~~volunteer emergency or disaster emergency~~ volunteers and trainees or volunteer health practitioners as defined under chapter 37-17.3 exceeds the amount of premiums paid into ~~such~~ the fund, such excess liabilities ~~shall be~~ are a general obligation of the state of North Dakota and must be reimbursed to the organization for credit to the workforce safety and insurance fund by legislative appropriation.

**SECTION 3.** A new section to chapter 65-06 of the North Dakota Century Code is created and enacted as follows:

**Uniform Emergency Volunteer Health Practitioners Act - Health practitioners.** A volunteer health practitioner under subsection 2 of section 37-17.3-11 is eligible for benefits as provided under this chapter."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1259: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1259 was placed on the Sixth order on the calendar.

Page 2, replace lines 25 through 31 with:

**"54-17-07.1. Advisory board - Rules.** The industrial commission shall appoint a six-member advisory board consisting of representatives of lenders, the residential real estate industry, and the mobile home and manufactured housing industry, ~~and homeowners and buyers~~, and in consultation with ~~such~~ the board may adopt rules and regulations for the conduct of its housing finance program which may, among other matters, establish requirements for the type and purchase price of dwelling units and multifamily facilities eligible to be financed, the income limits for eligible low or moderate income persons or families, the interest rates and other terms of mortgage loans to be financed, requirements relating to federal or private mortgage insurance or guarantees, and the general terms and conditions for the issuance and security of housing revenue bonds to be issued."

Page 3, remove lines 1 through 5

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1361: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1361 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact subsection 11 to section 43-55-01 and two new sections to chapter 43-55 of the North Dakota Century Code, relating to professional employer organizations; to"

Page 1, after line 4, insert:

"**SECTION 1.** Subsection 11 to section 43-55-01 of the North Dakota Century Code is created and enacted as follows:

11. "Working capital" means current assets less current liabilities as defined by generally accepted accounting principles."

Page 2, line 6, overstrike "by jurisdiction of each name under" and insert immediately thereafter "of jurisdictions in"

Page 2, replace lines 17 through 29 with:

- i. A An audited financial statement, verified by a certified public accountant licensed to practice in the jurisdiction in which the accountant is located, as of a date not earlier than one hundred eighty days for the fiscal year ended immediately before the date submitted to the secretary of state, which is prepared in accordance with generally accepted accounting principles. The financial statement must set forth the financial condition of the professional employer organization over the most recent twelve month operating period and must clearly define the working capital of the professional employer organization. A professional employer organization that has not had sufficient operating history to have a financial statement based upon at least twelve months of operating history shall meet the financial capacity requirements under this chapter and present a financial statement bond as provided under this subdivision for the entire period of its operation section 43-55-05.
- j. A copy of the employer's quarterly federal tax return for the quarter ending immediately before the date submitted to the secretary of state. A professional employer organization that has not operated long enough to have filed an employer's quarterly federal tax return shall submit a bond in the amount as provided under section 43-55-05."

Page 3, line 1, remove the overstrike over "a:"

Page 3, remove the overstrike over lines 4 through 15

Page 3, line 16, remove the overstrike over "~~under this chapter;~~" and after "or" insert "and"

Page 3, line 17, remove the overstrike over "~~(2) A bond with a minimum value of~~", after "one" insert "five percent of the wages, tips, and other compensation reported on the employer's quarterly federal tax return for the quarter ending immediately before the date submitted to the secretary of state but not to exceed five", and remove the overstrike over "~~hundred thousand dollars to be~~"

Page 3, remove the overstrike over lines 18 through 25

Page 4, line 3, remove the overstrike over "~~Financial capability~~", replace "**Bond**" with "**and bond**", and after the second boldfaced period insert:

"1."

Page 4, line 4, remove "continuously" and remove the overstrike over the overstruck colon

Page 4, line 5, after "4:" insert "a." and remove the overstrike over "~~A minimum working capital of one hundred thousand dollars as reflected in the~~"

Page 4, remove the overstrike over line 6

Page 4, line 7, remove the overstrike over "~~and each annual renewal;~~" and after "or" insert "and"

Page 4, line 8, after "2-" insert "b.", remove the overstrike over "A", remove "a", and overstrike "one" and insert immediately thereafter "five percent of the wages, tips, and other compensation reported on the employer's quarterly federal tax return for the quarter ending immediately before the date submitted to the secretary of state but not to exceed five"

Page 4, line 9, after the period insert:

- "2. A professional employer organization that does not have a minimum working capital of one hundred thousand dollars shall submit a bond in the amount of one hundred thousand dollars or five percent of the wages, tips, and other compensation reported on the employer's quarterly federal tax return for the quarter ending immediately before the date submitted to the secretary of state, whichever is greater but not to exceed five hundred thousand dollars.
3. A professional employer organization that has not operated long enough to have completed a full fiscal year or filed an employer's quarterly federal tax return shall submit a bond in the amount of one hundred thousand dollars.
- 4."

Page 4, line 10, remove "submitted with a license application or a renewal application and be"

Page 4, line 14, remove the overstrike over "~~A bond provided under this section may not be included for the"~~

Page 4, remove the overstrike over line 15

Page 4, after line 15, insert:

- "5. Notice of cancellation or nonrenewal of the surety bond required by this section shall be provided to the secretary of state at least forty-five days before cancellation or nonrenewal.

**SECTION 4.** Two new sections to chapter 43-55 of the North Dakota Century Code are created and enacted as follows:

**Confidential records.**

1. The social security number or federal tax identification number disclosed or contained in an application filed with the secretary of state under this chapter is confidential. The secretary of state shall delete or obscure any social security number or federal tax identification number before a copy of an application is released to the public.
2. All audited financial reports and employers' quarterly federal tax returns are confidential except to the extent necessary for the proper administration of this chapter by the secretary of state or the attorney general.

**Interagency cooperation.** A state agency, in performing duties under other laws that affect the regulation of professional employer organizations, shall cooperate with the secretary of state as necessary to administer and enforce this chapter."

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1362: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1362 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 52-04-10 and" with "section"

Page 1, remove lines 4 through 23

Page 2, remove lines 1 and 2

Page 3, line 26, replace "the request" with "all required information"

Page 4, line 17, remove "and for all of the"

Page 4, line 18, remove "employees of the staffing service"

Page 4, line 24, remove "and each client company"

Page 4, line 29, after "report" insert "that relates to the Federal Unemployment Tax Act [68A Stat. 439; 26 U.S.C. 3301 et seq.] which is"

Page 5, line 1, replace ", and" with an underscored period

Page 5, remove line 2

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1472: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1472 was placed on the Sixth order on the calendar.

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

Page 1, line 21, after the underscored period insert "A member also is entitled to be reimbursed up to one hundred dollars per day for the expenses incurred by the member which relate to the hiring of a substitute early childhood services provider in order that the member may attend meetings and perform the member's official duties."

Page 2, after line 19, insert:

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1501: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1501 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide voter approval of school district building projects funded through a building authority or other indirect means.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

##### **SECTION 1. Voter approval of building authority or other indirect funding methods - School construction project approval.**

1. Notwithstanding any other provision of law, the board of a school district may not enter an agreement pursuant to internal revenue service revenue ruling 63-20 under which payments of any kind would be required by the district to any building authority or other entity that incurs indebtedness or other obligation in connection with the acquisition, improvement, or construction of any property or structure to be used by the district, unless the agreement has been approved by a vote of at least sixty percent of the qualified electors of the district voting on the question if the acquisition, improvement, or construction subject to the agreement would require an election were the acquisition, improvement, or construction undertaken by the district through the issuance of bonds.
2. The board of a school district may not enter an agreement pursuant to internal revenue service revenue ruling 63-20 under which payments of any kind would be required by the district to any building authority or other entity that incurs indebtedness or other obligation regarding the construction, purchase, improvement, modernization, or renovation of any building or facility to be used by the district without the approval of the

superintendent of public instruction under section 15.1-36-01, if approval by the superintendent would be required were the project undertaken by the district itself."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1568: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1568 was placed on the Sixth order on the calendar.

Page 1, line 1, after the semicolon insert "and"

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

Page 1, line 6, replace "shall" with "may"

Page 1, line 8, replace "The" with "If established, the"

Page 3, line 31, remove "and"

Page 4, line 1, after "workers" insert ";

(20) North Dakota dietetic association; and

(21) North Dakota association of community providers"

Page 4, remove lines 2 through 6

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1572: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1572 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide legislative intent as it relates to references to individual, person, or human being.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. References to individual, person, or human being - Legislative intent.** For purposes of interpretation of the constitution and laws of North Dakota, it is the intent of the legislative assembly that an individual, a person, when the context indicates that a reference to an individual is intended, or a human being includes any organism with the genome of homo sapiens.

**SECTION 2. STATE TO DEFEND CHALLENGE.** The legislative assembly, by concurrent resolution, may appoint one or more of its members, as a matter of right and in the legislative member's official capacity, to intervene to defend this Act in any case in which this Act's constitutionality is challenged."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1092: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1092 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1355: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1355 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3015: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HCR 3015 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3024: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HCR 3024 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1488: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1488 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3041: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3041 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3042: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3042 was placed on the Tenth order on the calendar.

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

**Buell J. Reich, Chief Clerk**

