

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

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Bismarck, January 27, 2005

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

The prayer was offered by Rick Watson, Pastor of Hope Lutheran Church in Surrey, ND.

The roll was called and all members were present except Representatives Froelich, Kempenich, Rennerfeldt, and Svedjan.

A quorum was declared by the Speaker.

MOTION

REP. MONSON MOVED that HB 1279 and HB 1325 which are on the 6th order be held over until the evening session, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. MONSON MOVED that the amendments on the Sixth order of business to HB 1027, HB 1038, HB 1057, HB 1061, HB 1074, HB 1159, HB 1201, HB 1265, HB 1280, HB 1313, HB 1359 and HB 1360 be adopted, which motion prevailed.

HB 1061, as amended, was rereferred to the **Appropriations Committee**.

HB 1027, HB 1038, HB 1057, HB 1074, HB 1159, HB 1201, HB 1265, HB 1280, HB 1313, HB 1359 and HB 1360, as amended, were placed on the Eleventh order of business on the calendar.

MOTION

REP. MONSON MOVED that HB 1110 and HB 1129 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1290: A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to bail bonds.

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

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

ABSENT AND NOT VOTING: Froelich; Kempenich; Rennerfeldt; Svedjan

HB 1290 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1284: A BILL for an Act to create and enact a new section to chapter 51-12 of the North Dakota Century Code, relating to the deceptive use of a musical performer's name.

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 64 YEAS, 25 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Bernstein; Boehning; Boucher; Brandenburg; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Hanson; Herbel; Horter; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kingsbury; Klemin; Kretschmar; Kroeber; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Potter; Price; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Thorpe; Timm; Uglem; Vigesaa; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Amerman; Bellew; Belter; Boe; Brusegaard; Carlisle; Damschen; Gulleeson; Haas; Hawken; Headland; Iverson; Kaldor; Kasper; Kelsch, R.; Kerzman; Kreidt; Maragos; Martinson; Nelson; Porter; Ruby; Thoreson; Wald; Weisz

ABSENT AND NOT VOTING: Froelich; Kempenich; Koppelman; Rennerfeldt; Svedjan

Engrossed HB 1284 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1346: A BILL for an Act to amend and reenact section 19-03.4-08 of the North Dakota Century Code, relating to retail sale of a methamphetamine precursor drug; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Carlson; Delzer; Grande; Ruby; Timm; Weisz; Wrangham

ABSENT AND NOT VOTING: Froelich; Kempenich; Rennerfeldt; Svedjan

Engrossed HB 1346 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1436: A BILL for an Act to amend and reenact section 50-24.1-07 of the North Dakota Century Code, relating to the accrual of interest on medical assistance of a deceased recipient.

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

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

Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Froelich; Kempenich; Rennerfeldt; Svedjan

HB 1436 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1107: A BILL for an Act to create and enact a new subsection to section 57-01-02 of the North Dakota Century Code, relating to participation by the tax commissioner in the treasury offset program; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 6 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Damschen; DeKrey; Delzer; Pollert; Wrangham

ABSENT AND NOT VOTING: Froelich; Kempenich; Rennerfeldt; Svedjan

HB 1107 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1187: A BILL for an Act to amend and reenact section 57-15-26.1 of the North Dakota Century Code, relating to township property tax levies within a recreation service district; 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 8 YEAS, 82 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Devlin; Dosch; Kasper; Meier, L.; Nottestad; Porter; Vigesaa; Weiler

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

ABSENT AND NOT VOTING: Froelich; Kempenich; Rennerfeldt; Svedjan

HB 1187 lost.

SECOND READING OF HOUSE BILL

HB 1195: A BILL for an Act to create and enact a new section to chapter 52-04 and sections 52-04-08.1 and 52-04-08.2 of the North Dakota Century Code, relating to definitions, employer restructuring activities, and transfers of unemployment insurance tax account reserve history; to amend and reenact section 52-04-08 of the North Dakota Century Code, relating to transfer of unemployment insurance employer experience history to successor entities and the transfer of workforce to other entities; and to provide a penalty.

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 84 YEAS, 3 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

NAYS: Kasper; Koppelman; Thoreson

ABSENT AND NOT VOTING: Brandenburg; Froelich; Grande; Kempenich; Maragos; Rennerfeldt; Svedjan

HB 1195 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1263: A BILL for an Act to amend and reenact section 57-15-17.1 of the North Dakota Century Code, relating to school district property tax levies for mercury and other hazardous substance abatement or removal; to provide for a transfer; 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 PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Boucher; Froelich; Kempenich; Maragos; Rennerfeldt; Svedjan

HB 1263 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1286: A BILL for an Act to create and enact a new subsection to section 44-04-18.10 and a new subsection to section 44-04-19.2 of the North Dakota Century Code, relating to the release of confidential records disclosed to another entity and the sequestering of competitors in a competitive selection or hiring process; and to amend and reenact subsection 2 of section 28-32-33, subsection 6 of section 39-08-13, subsection 8 of section 44-04-17.1, section 44-04-18, subsection 2 of section 44-04-18.1, sections 44-04-18.4, 44-04-18.12, and 44-04-19.1, subsections 5 and 6 of section 44-04-20, and

section 44-04-21.1 of the North Dakota Century Code, relating to discovery in adjudicative proceedings, providing copies of records, fees for copies, release of bidding records, litigation and investigatory records, meeting notices, and violations.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Delzer

ABSENT AND NOT VOTING: Froelich; Kempenich; Maragos; Rennerfeldt; Svedjan

HB 1286 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1382: A BILL for an Act to create and enact a new section to chapter 34-06 of the North Dakota Century Code, relating to an increase in the state minimum wage; and to provide an expiration 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, 63 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Froelich; Kempenich; Maragos; Rennerfeldt; Svedjan

HB 1382 lost.

SECOND READING OF HOUSE BILL

HB 1425: A BILL for an Act to amend and reenact subdivision b of subsection 3 of section 52-04-05 of the North Dakota Century Code, relating to the unemployment insurance tax rate assigned to certain new employers involved in homebuilding.

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 43 YEAS, 45 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Conrad; Damschen; Delzer; Devlin; Drovdal; Ekstrom; Grande; Gulleeson; Hunskor; Iverson; Johnson, D.; Kaldor; Kasper; Kelsh, S.; Kerzman; Koppelman; Kretschmar;

Kroeber; Meier, L.; Metcalf; Nelson; Nicholas; Norland; Ruby; Sitte; Skarphol; Thoreson; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham

NAYS: Amerman; Belter; Berg; Bernstein; Brusegaard; Clark; DeKrey; Delmore; Dietrich; Dosch; Froseth; Galvin; Glassheim; Haas; Hanson; Hawken; Headland; Herbel; Horter; Johnson, N.; Keiser; Kelsch, R.; Kingsbury; Klemin; Kreidt; Martinson; Meyer, S.; Monson; Mueller; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Sandvig; Schmidt; Thorpe; Timm; Uglem; Vigesaa; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Froelich; Kempenich; Maragos; Rennerfeldt; Solberg; Svedjan

HB 1425 lost.

SECOND READING OF HOUSE BILL

HB 1510: A BILL for an Act to create and enact a new section to title 65 of the North Dakota Century Code, relating to the requirement that an employer provide workers' compensation coverage for an employee; to amend and reenact subsection 21 of section 65-01-02 of the North Dakota Century Code, relating to the workers' compensation definition of hazardous employment; and to repeal section 65-01-17 of the North Dakota Century Code, relating to workers' compensation coverage for custom agricultural operations.

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 7 YEAS, 81 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Conrad; Ekstrom; Glassheim; Hanson; Kelsh, S.; Potter; Sandvig

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

ABSENT AND NOT VOTING: Froelich; Kempenich; Maragos; Rennerfeldt; Solberg; Svedjan

HB 1510 lost.

SECOND READING OF HOUSE BILL

HB 1305: A BILL for an Act to amend and reenact paragraph 2 of subdivision b of subsection 2 of section 51-25-02 of the North Dakota Century Code, relating to release of escrow funds deposited by tobacco product manufacturers; and to provide a savings clause.

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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Froelich; Kempenich; Maragos; Rennerfeldt; Solberg; Svedjan

HB 1305 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1089: A BILL for an Act to amend and reenact subsection 2 of section 53-06.1-03 of the North Dakota Century Code, relating to games of chance license fees.

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 72 YEAS, 15 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Bernstein; Boe; Boehning; Brandenburg; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Ekstrom; Froseth; Galvin; Glassheim; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Potter; Price; Sandvig; Schmidt; Sitte; Thoreson; Timm; Uglem; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Amerman; Bellew; Belter; Carlson; Delzer; Drovdal; Grande; Kerzman; Pollert; Porter; Ruby; Skarphol; Thorpe; Wald; Wrangham

ABSENT AND NOT VOTING: Boucher; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg; Svedjan

HB 1089 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1186: A BILL for an Act to amend and reenact section 37-17.1-10 of the North Dakota Century Code, relating to violation of a local burning ban; and to provide a penalty.

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 66 YEAS, 21 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Bernstein; Boe; Boehning; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Devlin; Dietrich; Dosch; Ekstrom; Glassheim; Grande; Gulleston; Haas; Hanson; Hawken; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Onstad; Owens; Pietsch; Potter; Price; Sandvig; Schmidt; Thoreson; Thorpe; Uglem; Vigasaa; Wall; Weiler; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Bellew; Belter; Brandenburg; Brusegaard; Delzer; Drovdal; Froseth; Galvin; Headland; Horter; Kerzman; Nottestad; Pollert; Porter; Ruby; Sitte; Skarphol; Timm; Wald; Weisz; Wrangham

ABSENT AND NOT VOTING: Boucher; Froelich; Kempenich; Maragos; Rennerfeldt; Solberg; Svedjan

HB 1186 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that HB 1250, HB 1297, HB 1372 and HB 1385 be laid over one legislative day, which motion prevailed.

MOTION

REP. MONSON MOVED that the House stand in recess until 7:00 p.m., which motion prevailed.

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

SIXTH ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the amendments on the Sixth order of business to HB 1279 be adopted, which motion prevailed.

HB 1279, as amended, was rereferred to the **Appropriations Committee**.

SIXTH ORDER OF BUSINESS

REP. NOTTESTAD MOVED that the amendments on the Sixth order of business to HB 1325 be adopted, which motion prevailed.

HB 1325, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1041: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-40 of the North Dakota Century Code, relating to the filing period for a claim for credit or refund attributable to the Servicemembers Civil Relief Act by a nonresident member of the United States armed services; to provide an effective date; and to provide an expiration date.

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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Dosch; Froelich; Kempenich; Maragos; Solberg; Svedjan; Timm

HB 1041 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1046: A BILL for an Act to create and enact a new subsection to section 54-11-01 of the North Dakota Century Code, relating to the correction of erroneous distributions by the state treasurer; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Dosch; Froelich; Kempenich; Maragos; Solberg; Svedjan; Timm

Engrossed HB 1046 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1102: A BILL for an Act to amend and reenact section 20.1-07-04 of the North Dakota Century Code, relating to the destruction and disposition of depredating fur-bearing animals; and to provide for a report.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 70 YEAS, 17 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Delmore; Delzer; Devlin; Drovdal; Ekstrom; Galvin; Glassheim; Grande; Gulleason; Haas; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Sandvig; Sitte; Skarphol; Thoreson; Thorpe; Uglem; Vigasaa; Wald; Wall; Weiler; Williams; Wrangham; Speaker Klein

NAYS: Boe; Boehning; Boucher; Damschen; DeKrey; Dietrich; Froseth; Hanson; Keiser; Meyer, S.; Onstad; Potter; Ruby; Schmidt; Weisz; Wieland; Zaiser

ABSENT AND NOT VOTING: Dosch; Froelich; Kempenich; Maragos; Solberg; Svedjan; Timm

Engrossed HB 1102 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1200: A BILL for an Act to amend and reenact section 43-28-25 of the North Dakota Century Code, relating to dental services offered through a nonprofit organization; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 2 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

NAYS: Froseth; Kasper

ABSENT AND NOT VOTING: Dosch; Froelich; Kempenich; Maragos; Solberg; Svedjan; Timm; Weisz

Engrossed HB 1200 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1202: A BILL for an Act to amend and reenact subsection 15 of section 52-06-02 of the North Dakota Century Code, relating to when individuals are disqualified for unemployment compensation benefits.

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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen;

DeKrey; Delmore; Delzer; Devlin; Dietrich; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Dosch; Froelich; Kempenich; Maragos; Solberg; Svedjan; Timm

HB 1202 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1232: A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to stipends for student teachers.

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 78 YEAS, 9 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Brusegaard; Carlson; Grande; Hanson; Kaldor; Potter; Ruby; Wald

ABSENT AND NOT VOTING: Dosch; Froelich; Kempenich; Maragos; Solberg; Svedjan; Timm

HB 1232 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1241: A BILL for an Act to provide for limited liability for a food producer, processor, manufacturer, packer, distributor, carrier, holder, seller, marketer, trade association, or advertiser for a claim of injury resulting from weight gain, obesity, or any health condition related to weight gain.

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 72 YEAS, 15 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delzer; Devlin; Dietrich; Drovdal; Froseth; Galvin; Grande; Gullerson; Haas; Hanson; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nicholas; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

NAYS: Amerman; Boucher; Conrad; Delmore; Ekstrom; Glassheim; Hawken; Kaldor; Kelsch, R.; Kelsh, S.; Kretschmar; Nelson; Onstad; Sandvig; Zaiser

ABSENT AND NOT VOTING: Dosch; Froelich; Kempenich; Maragos; Solberg; Svedjan; Timm

Engrossed HB 1241 passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

REP. GLASSHEIM: Mr. Speaker: I rise on a point of personal privilege.

MOTION

REP. GULLESON MOVED that the remarks of Rep. Glassheim be printed in the Journal, which motion prevailed.

On this the 60th anniversary of the liberation in southern Poland of Auschwitz concentration camp, on January 27, 1945, I rise to remember those who died in the Holocaust. Over a 12 year period the government of Germany organized its people to hate and murder six million Jews as well as Poles, Soviet prisoners, Gypsies, homosexuals and disabled people.

As we remember the holocaust and the words often repeated by Auschwitz survivors..."Never again, Never again," we are ashamed to admit that since 1945 we have looked the other way as new examples of genocide swirled around us in Rwanda, Cambodia, Bosnia, the Darfur region of the Sudan. We know we are often weak, and frightened to help others, but on days like this we must rededicate ourselves to extending our hand to those who are forgotten.

Each person takes away something different when they look the horror of Auschwitz in the face. As I contemplate the 60th anniversary of the liberation of Auschwitz, three thoughts come to mind:

*that government leaders often stimulate hatred for some enemy in order to keep power;

*that we must have trained and skeptical minds, because the highest sounding reasons can be used to justify the worst actions;

*that solidarity with all humans in dire straits may require us to move beyond our immediate comfort zone.

At this time let me recite, in Hebrew, the **mourner's kaddish**, the prayer for the dead, which, despite sorrow and loss, praises and magnifies God:

Yit-gadal v'yit-kadash sh'mey raba, b'alma di v'ra hirutey, vyam-lih mal-hutey b'ha-yey-hon uv'yomey-hon uv'ha-yey d'hol beyt yisrael ba-agala u-vizman kariv, v'imru amen.

Y'hey sh'mey raba m'varah l'alam ul'almey alma-ya.

Yit-barah v'yish-tabah v'yit-pa-ar v'vit-romam v'vit-na-sev v'yit-hadar v'yit-aleh v'yit-halal sh'mey d'kud-sha, b'rih hu, leyla min kol bir-hata v'shi-rata tush-b'hata v'ne-hemata da-amiran b'alma, v'imru amen.

Y'hey sh'lama raba min sh'ma-ya, v'ha-yim aleynu v'al kol yisrael, vimru amen.

Oseh shalom bim-romav, hu ya-aseh shalom aleynu v'al kol yisrael, v'imru amen.

May He who ordains harmony in the universe grant peace to us and to all Israel. And Let us say: Amen.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2146.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1067, HB 1229.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1055, HB 1066, HB 1099, HB 1156, HB 1158, HB 1161, HB 1162, HB 1166, HB 1218, HB 1253, HB 1264, HB 1267, HB 1289, HB 1299, HB 1300, HB 1326.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on January 27, 2005: HCR 3006.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:00 p.m., Friday, January 28, 2005, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Sandvig, Charging, S. Meyer and Sens. Bercier, Every, Triplett introduced:

HCR 3022: A concurrent resolution directing the Legislative Council to study data regarding cervical cancer and human papillomavirus, evaluate current methods of public education and access to regular cervical cancer screening, and consider options for increasing screening accuracy.

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

Reps. Delmore, Glassheim, Price and Sens. Espeland, Fischer, Krebsbach introduced:

HCR 3023: A concurrent resolution urging the Base Realignment and Closure Commission, the Secretary of Defense, and the President of the United States to support the continued maintenance of the military bases in North Dakota.

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

Reps. Berg, Boucher and Sens. O'Connell, Stenehjem introduced:

HCR 3024: A concurrent resolution urging the United States Secretary of Commerce to complete a Taiwan-United States free trade agreement.

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

Reps. Ruby, Bellew introduced:

HCR 3025: A concurrent resolution directing the Legislative Council to study the issues of fairness and equity as they relate to the issuance and enforcement of child visitation orders.

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

Reps. Onstad, Delzer, Drovdal and Sens. Heitkamp, Lyson introduced:

HCR 3026: A concurrent resolution urging the United States Army Corps of Engineers to maintain the level of Lake Sakakawea at a minimum elevation of 1,825 feet mean sea level.

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

Reps. S. Meyer, Haas, Kerzman, Onstad and Sens. Krauter, Wardner introduced:

HCR 3027: A concurrent resolution urging the United States Army Corps of Engineers to retain sufficient water in the upper portion of Lake Sakakawea to ensure a stable water supply for the Southwest Pipeline Project and the 26 communities and 3,000 farms and ranches that receive water from the Southwest Pipeline Project and urging the Governor and the Attorney General to take appropriate action to ensure federal officials retain sufficient water in Lake Sakakawea to protect the health and well-being of the citizens of southwest North Dakota.

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

Reps. Damschen, Bellew, DeKrey, Uglen and Sen. Dever introduced:

HCR 3028: A concurrent resolution directing the Legislative Council to study utilization of the state's abundant energy resources to attract energy-intensive economic development projects to the state.

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

Reps. Conrad, Thorpe, Timm and Sens. Krebsbach, Seymour, Tollefson introduced:

HCR 3029: A concurrent resolution expressing the Legislative Assembly's support for continued construction of the Northwest Area Water Supply Project.

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

Reps. Boucher, Gulleon, Mueller and Sens. Every, Heitkamp, O'Connell introduced:

HCR 3030: A concurrent resolution urging the President and Congress to maintain the stability of the federal Social Security system and to forego any effort to privatize any aspect of the federal Social Security system.

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

Reps. Berg, Boucher and Sens. O'Connell, Stenehjem introduced:

HCR 3031: A concurrent resolution directing the Legislative Council to study issues relating to tribal-state relations, including methods for encouraging greater tribal-state cooperation, the promotion of economic development on Indian reservations in the state, the identification and study of health care issues on the reservations, and the identification and proposals for the resolution of the water issues affecting the state and the tribes.

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

Reps. Boucher, D. Johnson, Nicholas and Sens. Every, Heitkamp, O'Connell introduced:

HCR 3032: A concurrent resolution urging the President of the United States and Congress to fund fully all federal programs and to evaluate carefully the impact of any proposed budget cuts on the men, women, and children of this state who rely and depend on the federal programs for their health, their safety, their education, and their economic well-being.

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

Reps. Damschen, DeKrey, Uglem introduced:

HCR 3033: A concurrent resolution urging Congress to remove wetland mitigation requirements from highway construction projects.

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

Reps. Sandvig, L. Meier, Sitte and Sens. Erbele, Triplett introduced:

HCR 3034: A concurrent resolution urging school districts to provide a midmorning and midafternoon recess to all students in kindergarten through grade six.

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

REPORT OF STANDING COMMITTEE

HB 1025, as amended, Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1025, as amended, was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "4-16-02,"

Page 1, line 11, overstrike "4-33-11," and overstrike "11-11-60, 11-11-65,"

Page 1, line 12, overstrike "40-57.2-04, 49-17.2-21,"

Page 1, line 13, overstrike "57-15-06.5," and overstrike "57-15-59,"

Page 1, line 14, remove "57-15-60,"

Page 1, line 16, overstrike "one hundred" and replace "eighteen" with "ninety-five and one-half"

Page 1, line 19, remove the overstrike over "~~and may not increase the number of mills levied in any one year over~~"

Page 1, remove the overstrike over lines 20 and 21

Page 1, line 22, remove the overstrike over "~~completed by the United States department of labor, bureau of labor statistics~~"

Page 2, line 7, overstrike "may" and insert immediately thereafter "must"

Page 2, line 8, overstrike "by a petition protesting the consolidation. The"

Page 2, overstrike lines 9 through 14

Page 2, line 15, overstrike "electors of the county"

Page 2, line 18, overstrike "If a petition"

Page 2, overstrike lines 19 through 21

Page 2, line 22, overstrike "preliminary resolution."

Page 2, line 23, overstrike "resolution of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1048: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1048 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1108: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (7 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING). HB 1108 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1120: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1120 was placed on the Sixth order on the calendar.

Page 2, line 2, after "employments" insert "for which coverage is required or otherwise secured"

Page 2, line 15, after the first "the" insert "average annual", after "net" insert "self-employed", and after the second "the" insert "three"

Page 2, line 16, overstrike "year" and insert immediately thereafter "years"

Page 11, line 3, replace "two" with "three"

Page 11, line 4, after "years" insert ", except that scholarships awarded on the basis of exceptional circumstances may not exceed ten thousand dollars per year for more than five years, per applicant"

Page 12, line 1, after "employer" insert ", except that any such information directly disclosed to the employer must be relevant to the employee's work injury or to return to work issues"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1206: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1206 was placed on the Sixth order on the calendar.

Page 1, line 6, after "**appeals**" insert "**- Definitions**" and replace "The department shall adopt rules for an appeal procedure by which" with:

- "1. For purposes of this section:
 - a. "Denial of payment" means that the department has denied payment for a medical assistance claim or reduced the level of service payment for a service provided to an individual who was an eligible medical assistance recipient at the time the service was provided.
 - b. "Department" means the department of human services.
 - c. "Provider" means an individual, entity, or facility that furnishes medical or remedial services or supplies pursuant to a provider agreement with the department.
2. A provider may request a review of denial of payment under this section by filing within thirty days of the date of the department's denial of the claim a written notice with the department which includes a statement of each disputed item and the reason or basis for the dispute. A provider may not request review under this section of the rate paid for a particular service.
3. Within thirty days after requesting a review, a provider shall provide to the department all documents, written statements, exhibits and other written information that support the provider's request for review, together with a computation and the dollar amount that reflects the provider's claim as to the correct computation and dollar amount for each disputed item.
4. The department shall assign to a provider's request for review someone other than any individual who was involved in the initial denial of the claim. A provider who has requested review may contact the department for an informal conference regarding the review anytime before the department has issued its final decision.

5. The department shall make and issue its final decision within seventy-five days of receipt of the notice of request for review. A provider may appeal the final decision of the department to the district court in the manner provided in section 28-32-42. The judgment of the district court in an appeal from a request for review may be reviewed in the supreme court on appeal by any party in the same manner as provided in section 28-32-49.
6. Upon receipt of notice that the provider has appealed its final decision to the district court, the department shall make a record of all documents, written statements, exhibits and other written information submitted by the provider or the department in connection with the request for review and the department's final decision on review, which constitutes the entire record. Within thirty days after an appeal has been taken to district court as provided in this section, the department shall prepare and file in the office of the clerk of the district court in which the appeal is pending the original and a certified copy of the entire record, and that record must be treated as the record on appeal for purposes of section 28-32-44."

Page 1, remove lines 7 through 16

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1207: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1207 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1209: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1209 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1234: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1234 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1235: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1235 was placed on the Sixth order on the calendar.

Page 1, line 23, after the underscored period insert "DNA samples must be collected immediately, but may be preserved by the department for subsequent analysis upon receipt of sufficient funding."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1249: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1249 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1274: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1274 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1281: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1281 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "three" with "two"

Page 1, line 4, replace "Three" with "Two"

Page 1, remove lines 6 through 13

Page 1, line 19, replace "A resident of a" with "An individual is not ineligible for medical assistance if application of disqualifying transfer provisions would deprive the individual of nursing care and services and the individual makes a satisfactory showing that:

1. For periods after the return, all income or assets constituting the disqualifying transfer have been transferred or assigned back to the individual and the individual is otherwise eligible for medical assistance; or"

Page 1, remove lines 20 through 24

Page 2, line 1, after the second "the" insert "income or"

Page 2, line 2, replace "applicant or resident" with "individual"

Page 2, line 3, after "facility" insert "and the individual is otherwise eligible for medical assistance"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1288: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1288 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1298: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1298 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1314: Industry, Business and Labor Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1314 was placed on the Sixth order on the calendar.

Page 1, line 9, after "verify" insert "the trading of credits for"

Page 1, line 10, remove ". The program must track, record, and verify the trading of credits for electricity"

Page 1, line 11, remove "generated from renewable and recycled heat sources"

Page 1, remove line 24

Page 2, line 1, replace "5." with "4."

Page 2, line 3, replace "6." with "5."

Page 2, line 5, replace "7." with "6."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1316: Education Committee (Rep. S. Kelsh, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1316 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1324: 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). HB 1324 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 49-05 of the North Dakota Century Code, relating to advance determination of prudence for a public utility's proposed new construction, lease, or improvement of an energy conversion facility, renewable energy facility, transmission facility, or proposed energy purchase contract.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 49-05 of the North Dakota Century Code is created and enacted as follows:

Advance determination of prudence. A public utility proposing to construct, lease, or make improvements to an energy conversion facility, renewable energy facility, transmission facility, or proposed energy purchase contract from another entity or person for the purpose of ensuring reliable electric service to its customers may file an application with the commission for an advance determination of prudence regarding the proposal. The commission may order that expenses associated with investigating the application made by the public utility for prudence of a resource addition be paid by the public utility in accordance with section 49-02-02.

1. The commission may issue an order approving the prudence of an electric resource addition if:
 - a. The public utility applies for a prudence determination before commencement of construction or purchase of an electric resource addition;
 - b. The public utility files with its application a projection of costs to the date of the anticipated commercial operation of the electric resource addition;
 - c. The commission provides notice and holds a hearing, if appropriate, in accordance with section 49-02-02; and
 - d. The commission determines that the resource addition is reasonable and prudent.
2. The commission order must be rendered no later than seven months after the public utility files its application requesting a prudence determination of an electric resource addition.
3. A resource addition approved by the commission is subject to annual reporting requirements until commercial operation of the resource addition.
4. Before commercial operation of the resource addition, the public utility shall make a general rate case filing with a full cost of service analysis including the resource addition in accordance with section 49-05-05. The commission's order determining prudence of the resource adjustment is binding for ratemaking purposes.
5. If at any time following an initial commission order, the commission, following a subsequent hearing, determines that continuation of a project is no longer prudent or that its prior order should be modified, the public utility may recover in its rates, and in a timely manner consistent with the public utility's financial obligations, the amounts the public utility already has expensed, incurred, or obligated on a project, including interest expense and a return on equity invested in the project up to the time the new order is entered even though the project may never be fully operational or used by the public utility to serve its customers."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1371: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1371 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1376: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1376 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1387: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS,

2 ABSENT AND NOT VOTING). HB 1387 was placed on the Sixth order on the calendar.

Page 1, line 20, overstrike "3.0" and insert immediately thereafter "2.5"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1411: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1411 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1413: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1413 was placed on the Sixth order on the calendar.

Page 1, line 18, after "contractor" insert "or the independent contractor's employee" and after "work" insert "and is not engaged in selling, dispensing, delivering, or consuming alcoholic beverages"

Page 2, line 24, after "contractor" insert "or the independent contractor's employee" and after "work" insert "and is not engaged in selling, dispensing, delivering, or consuming alcoholic beverages"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1418: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1418 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 12.1-29 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to hiring a prostitute; to"

Page 1, remove lines 15 through 19

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1434: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1434 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1442: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1442 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1460: 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). HB 1460 was referred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1477: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1477 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1491: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1491 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1504: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1504 was placed on the Eleventh order on the calendar.

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

Bradley C. Fay, Chief Clerk

