

**JOURNAL OF THE HOUSE**

**Fifty-ninth Legislative Assembly**

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**Bismarck, January 24, 2005**

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

The prayer was offered by Father Bruce Krebs, St. Mary's Catholic Church, Bismarck.

The roll was called and all members were present except Representatives Boe, Brusegaard, Rennerfeldt, and Timm.

A quorum was declared by the Speaker.

**SIXTH ORDER OF BUSINESS**

**REP. MONSON MOVED** that the amendments on the Sixth order of business to HB 1028, HB 1059, HB 1162, HB 1172, HB 1173, HB 1252, HB 1259 and HB 1267 be adopted, which motion prevailed.

HB 1172, HB 1173 and HB 1252, as amended, were rereferred to the **Appropriations Committee**.

HB 1028, HB 1059, HB 1162, HB 1259 and HB 1267, as amended, were placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1053:** A BILL for an Act to create and enact a new section to chapter 54-44.1 of the North Dakota Century Code, relating to contingent Bank of North Dakota transfers to the general fund.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO 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; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; 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; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**ABSENT AND NOT VOTING:** Boe; Brusegaard; Rennerfeldt; Timm

HB 1053 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1082:** A BILL for an Act to amend and reenact section 52-04-10, subsection 3 of section 52-04-11.1, and section 52-04-17 of the North Dakota Century Code, relating to appeals from employer tax rate notices, administrative hearings concerning corporate officer personal liability, and questions of employer status for unemployment compensation insurance purposes.

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

**ABSENT AND NOT VOTING:** Boe; Brusegaard; Rennerfeldt; Timm

HB 1082 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1150:** A BILL for an Act to create and enact a new subdivision to subsection 7 of section 6-08.1-02 of the North Dakota Century Code, relating to confidentiality of Bank of North Dakota customer records.

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

**ABSENT AND NOT VOTING:** Boe; Brusegaard; Rennerfeldt; Timm

HB 1150 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1237:** A BILL for an Act to amend and reenact section 15.1-32-14 of the North Dakota Century Code, relating to the forwarding of special education per student payments.

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

**ABSENT AND NOT VOTING:** Boe; Brusegaard; Rennerfeldt; Timm

HB 1237 passed and the title was agreed to.

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**MOTION**

**REP. BERG MOVED** that HB 1305 and HB 1175 be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1093:** A BILL for an Act to amend and reenact subsections 1 and 3 of section 19-13.1-03 and section 19-13.1-06 of the North Dakota Century Code, relating to the registration and licensing of pet food and commercial feed and inspection of commercial feed; 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 87 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; 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; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

**NAYS:** Brandenburg; Delzer; Devlin

**ABSENT AND NOT VOTING:** Boe; Brusegaard; Rennerfeldt; Timm

Engrossed HB 1093 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1178:** A BILL for an Act to amend and reenact sections 26.1-26.6-01, 26.1-26.6-02, 26.1-26.6-03, 26.1-26.6-04, 26.1-26.6-05, 26.1-26.6-06, 26.1-26.6-07, 26.1-26.6-08, and 26.1-26.6-09 of the North Dakota Century Code, relating to bail bond agents.

**ROLL CALL**

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; 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; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Klein

**NAYS:** Zaiser

**ABSENT AND NOT VOTING:** Boe; Brusegaard; Rennerfeldt; Timm

Engrossed HB 1178 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1192:** A BILL for an Act to create and enact a new section to chapter 12-63 of the North Dakota Century Code, relating to part-time peace officer authority, licensing, standards,

and training; and to amend and reenact section 12-63-01 of the North Dakota Century Code, relating to the definition of peace officer.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Boe; Brusegaard; Rennerfeldt; Timm; Wald

Engrossed HB 1192 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1214:** A BILL for an Act to amend and reenact subsection 3 of section 12.1-32-07 of the North Dakota Century Code, relating to conditions of probation for sexual offenders.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Boe; Brusegaard; Rennerfeldt; Timm; Wald

Engrossed HB 1214 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1243:** A BILL for an Act to amend and reenact section 23-27-04.3 of the North Dakota Century Code, relating to emergency medical services personnel training.

#### ROLL CALL

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

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

Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser;  
Speaker Klein

**ABSENT AND NOT VOTING:** Boe; Brusegaard; Rennerfeldt; Timm

Engrossed HB 1243 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1251:** A BILL for an Act to amend and reenact section 28-26-01 of the North Dakota Century Code, relating to attorney's fees in frivolous cases.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Boe; Brusegaard; Rennerfeldt; Timm

Engrossed HB 1251 passed and the title was agreed to.

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### MOTION

**REP. BERG MOVED** that HB 1277 be laid over one legislative day, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1198:** A BILL for an Act to provide for a legislative council study of reemployment processes and costs and an appropriate method for providing a limitation on the total average number of job-attached unemployment insurance claimants.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Boe; Brusegaard; Rennerfeldt; Timm

Engrossed HB 1198 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1199:** A BILL for an Act to amend and reenact section 65-02-03.1 of the North Dakota Century Code, relating to appointment of the workforce safety and insurance board of directors; and to provide for application.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 5 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Amerman; Boucher; Ekstrom; Kelsh, S.; Thorpe

**ABSENT AND NOT VOTING:** Boe; Brusegaard; Froelich; Rennerfeldt; Timm

Engrossed HB 1199 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1026:** A BILL for an Act to create and enact section 57-20-01.2 of the North Dakota Century Code, relating to waiver of penalties and interest on delinquent property taxes; to amend and reenact sections 15-08-19, 57-20-26, and 57-28-01 of the North Dakota Century Code, relating to the period of property tax delinquency before foreclosure of a tax lien; 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 38 YEAS, 52 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Conrad; DeKrey; Devlin; Drovdal; Ekstrom; Grande; Hawken; Headland; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kelsh, S.; Kretschmar; Kroeber; Maragos; Metcalf; Mueller; Nelson; Nicholas; Onstad; Owens; Pietsch; Thoreson; Thorpe; Uglen; Vigesaa; Wall; Weiler; Speaker Klein

**NAYS:** Amerman; Bellew; Bernstein; Carlisle; Charging; Damschen; Delmore; Delzer; Dietrich; Dosch; Froelich; Froseth; Galvin; Glassheim; Gulleston; Haas; Hanson; Herbel; Horter; Kaldor; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Martinson; Meier, L.; Meyer, S.; Monson; Norland; Nottestad; Pollert; Porter; Potter; Price; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Wald; Weisz; Wieland; Williams; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Boe; Brusegaard; Rennerfeldt; Timm

HB 1026 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1113:** A BILL for an Act to amend and reenact subsection 1 of section 26.1-26-31.1 of the North Dakota Century Code, relating to continuing education requirements for insurance producers and consultants.

**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 86 YEAS, 3 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Carlson; Delzer; Glassheim

**ABSENT AND NOT VOTING:** Boe; Brusegaard; Owens; Rennerfeldt; Timm

HB 1113 passed and the title was agreed to.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2093, SB 2201, SB 2210.

**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 1076, HB 1092, HB 1100, HB 1112, HB 1116, HB 1262, HB 1348.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:15 p.m., Monday, January 24, 2005, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1049: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1049 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1066: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1066 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~ten~~" and remove "five"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1067: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1067 was placed on the Sixth order on the calendar.

Page 1, line 3, after "retirement" insert "; to provide an effective date; and to declare an emergency"

Page 1, after line 22, insert:

**"SECTION 3. EFFECTIVE DATE.** This Act becomes effective on June 1, 2005.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1099: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1099 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "39-22-04,"

Page 1, line 4, remove the second "and"

Page 1, line 5, after "penalty" insert "; and to provide an effective date"

Page 2, line 23, remove the overstrike over "~~ten~~" and remove "twenty-five"

Page 3, remove lines 12 through 29

Page 4, line 5, remove the overstrike over "~~twenty-five~~" and remove "fifty"

Page 5, line 27, remove the overstrike over "~~ten~~" and remove "twenty-five"

Page 7, line 26, remove the overstrike over "~~ten~~"

Page 7, line 27, remove "twenty-five"

Page 8, after line 8, insert:

**"SECTION 10. EFFECTIVE DATE.** This Act becomes effective on January 1, 2006."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1102: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1102 was placed on the Sixth order on the calendar.

Page 1, line 2, after "animals" insert "; and to provide for a report"

Page 1, after line 16, insert:

**"SECTION 2. GAME AND FISH DEPARTMENT TO ASSESS STATUS OF MOUNTAIN LIONS - REPORT TO LEGISLATIVE COUNCIL.** The game and fish department, in cooperation with tribal authorities, shall assess the status of mountain lions in North Dakota. The department shall report its findings to the legislative council before July 1, 2006."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1110: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1110 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to duties of the department of human services with respect to least restrictive care options;"

Page 1, after line 12, insert:

**"SECTION 2.** A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Placement of children - Least restrictive care.The department and county social service boards shall thoroughly explore the option of kinship care when a child is unable to return home due to safety concerns. Absent kinship options, the department and county social service boards shall provide permanency options that are in the least restrictive care and near the family's home as required by the federal Adoption and Safe Family Act of 1997 [Pub. L. 105-89; 111 Stat. 2115; 42 U.S.C. 671]. Before January 1,



2006, the department of human services shall issue a request for proposal for the provision of residential treatment services to meet the needs of youth with a history of sexual offenses within the state and explore options of therapeutic foster care for those youth who would benefit from this service level."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1118: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1118 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1135: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1135 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the the bill with "for an Act to amend and reenact subsection 10 of section 39-06.1-05, section 39-06.1-09, paragraph 13 of subdivision b of subsection 3 of section 39-06.1-10, and section 39-10-26 of the North Dakota Century Code, relating to operation of a vehicle on approach of department of transportation vehicles.

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

**SECTION 1. AMENDMENT.** Subsection 10 of section 39-06.1-05 of the North Dakota Century Code is amended and reenacted as follows:

10. Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 4 of section 39-10-26.

**SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-09. Moving violation defined.** For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22; subsection 1 of section 39-04-37; section 39-04-55; 39-06-01; 39-06-14; 39-06-16; 39-09-04.1; 39-09-09; subsection 2 of section 39-12-02; sections 39-12-04; 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 4 5 of section 39-10-26, sections 39-21-44 and 39-21-45.1, and subdivision b of subsection 1 and subsection 2 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

**SECTION 3. AMENDMENT.** Paragraph 13 of subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

- |      |                                                                                                                                                                                                                                                                |          |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| (13) | Causing an accident with an authorized emergency vehicle <u>or a vehicle operated by or under the control of the director used for maintaining the state highway system</u> in violation of subsection <u>4 5</u> of section 39-10-26, or equivalent ordinance | 2 points |
|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|

**SECTION 4. AMENDMENT.** Section 39-10-26 of the North Dakota Century Code is amended and reenacted as follows:

**39-10-26. Operation of vehicle on approach of authorized emergency vehicle or vehicle used for maintaining the state highway system - Penalty.**

1. Upon the immediate approach of an authorized emergency vehicle displaying a visible flashing, revolving, or rotating blue, white, or red light, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
2. If an authorized emergency vehicle is parked or stopped at the scene of an emergency and is displaying a flashing, revolving, or rotating blue, white, or red light, approaching traffic shall move to the right-hand edge or curb of the roadway and shall stop, but once having stopped, traffic may proceed past the scene at its own risk when the roadway is clear, except when otherwise directed by a police officer. If an authorized emergency vehicle is otherwise parked or stopped on a multilane highway outside the limits of a city unless the highway is part of the interstate system, and the authorized emergency vehicle is displaying a flashing, revolving, or rotating amber, blue, white, or red light, the driver of an approaching vehicle shall proceed with caution and yield the right of way by moving to a lane that is not adjacent to the authorized emergency vehicle if the move may be made with due regard to safety and traffic conditions or if not, the driver shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road conditions.
3. If a vehicle operated by or under the control of the director used for maintaining the state highway system is parked or stopped on a multilane highway outside the limits of a city unless the highway is part of the interstate system and the vehicle is displaying a flashing, revolving, or rotating amber or white light, the driver of an approaching vehicle shall proceed with caution and yield the right of way by moving to a lane that is not adjacent to the vehicle if the move may be made with due regard to safety and traffic conditions or if not, the driver shall proceed with due caution, reduce the speed of the vehicle, and maintain a safe speed for the road conditions.
4. This section does not operate to relieve the driver of an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system from the duty to drive with due regard for the safety of all persons using the highway.
- ~~4.~~ 5. a. Any individual who violates subsection 2 and causes an accident with an authorized emergency vehicle while the authorized emergency vehicle is displaying a visible flashing, revolving, or rotating amber, blue, white, or red light is guilty of an infraction.
- b. Any individual who violates subsection 3 and causes an accident with a vehicle operated by or under the control of the director used for maintaining the state highway system while the vehicle is displaying a visible flashing, revolving, or rotating amber or white light is guilty of an infraction."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1156: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1156 was placed on the Sixth order on the calendar.

Page 2, line 12, replace "Formal actions against the company in other jurisdictions resulting in a" with "Whether the company has ever had its authority to provide service revoked, and if so, the date and jurisdiction of revocation."

Page 2, remove line 13

Page 3, after line 8, insert:

"7. Subsections 3 through 6 do not apply to a facilities-based company providing commercial mobile radio service, as defined in title 47, Code of Federal Regulations, part 20, section 20.3."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1161: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1161 was placed on the Sixth order on the calendar.

Page 1, line 13, remove the overstrike over "B" and remove "A"

Page 1, line 21, replace "a civil penalty pursuant to" with "an administrative fee consistent with"

Page 2, line 1, replace "fine" with "fee"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1166: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1166 was placed on the Sixth order on the calendar.

Page 3, line 8, replace "within a reasonable time it will formulate and establish an" with "it has or will establish effective programs to accomplish the purposes of this compact."

Page 3, remove lines 9 through 21

Page 7, line 20, replace "or" with "of"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1181: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1181 was placed on the Sixth order on the calendar.

Page 1, line 15, remove the overstrike over "~~three~~", remove the first "five", and remove "five hundred"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1218: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1218 was placed on the Sixth order on the calendar.

Page 2, line 9, replace "capacity" with "capability"

Page 2, line 13, replace "any single state agency" with "the department of transportation"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1229: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1229 was placed on the Sixth order on the calendar.

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

Page 1, line 6, after "issue" insert "a" and replace "permits to" with "permit for a vehicle owned and operated by"

Page 1, line 7, after "state" insert ", veterans-related organizations,"

Page 1, after line 9, insert:

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1230: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1230 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1236: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1236 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1253, as amended, Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HB 1253, as amended, was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section to chapter 45-22" with "subdivision to subsection 1 of section 45-22-21.1"

Page 1, line 2, replace "annual reporting of agricultural land ownership by" with "registration of"

Page 1, line 3, after "partnerships" insert "; and to amend and reenact subsection 3 of section 45-22-03 of the North Dakota Century Code, relating to the registration of limited liability partnerships"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Subsection 3 of section 45-22-03 of the North Dakota Century Code is amended and reenacted as follows:

3. A registration, signed by a managing partner, must contain:
  - a. With respect to a domestic limited liability partnership:
    - (1) The name of the domestic limited liability partnership.
    - (2) The nature of the business to be transacted in this state.
    - (3) A statement indicating whether the limited liability partnership will be engaged in farming or ranching in this state or owning or leasing land in this state which is used for farming or ranching.
    - (4) The address of the principal executive office of the domestic limited liability partnership.
    - ~~(4)~~ (5) The address of the registered office of the domestic limited liability partnership and the name of the registered agent at that address.
    - ~~(5)~~ (6) The name and address of each managing partner.
    - ~~(6)~~ (7) A statement that the partnership elects to be a limited liability partnership.
    - ~~(7)~~ (8) A deferred effective date, if any.
  - b. With respect to a foreign limited liability partnership:
    - (1) The name of the foreign limited liability partnership and, if different, the name under which the foreign limited liability partnership proposes to transact business in this state.
    - (2) The jurisdiction of origin.

- (3) The date on which the foreign limited liability partnership expires in the jurisdiction of origin.
  - (4) The nature of the business to be transacted in this state.
  - (5) A statement indicating whether the foreign limited liability partnership will be engaged in farming or ranching in this state or owning or leasing land in this state which is used for farming or ranching.
  - (6) The address of the principal executive office of the foreign limited liability partnership.
  - ~~(6)~~ (7) The address of the registered office of the foreign limited liability partnership and the name of the foreign limited liability partnership's registered agent at that address.
  - ~~(7)~~ (8) The name and address of each managing partner.
  - ~~(8)~~ (9) An acknowledgment that the status of the foreign limited liability partnership in this state will automatically expire unless the foreign limited liability partnership continuously maintains limited liability partnership status in the jurisdiction of origin.
- c. The registration must be accompanied by payment of the fees provided in section 45-22-22 together with a certificate of good standing or certificate of existence authenticated by the registering officer of the state or country where the foreign limited liability partnership is originally registered and the consent of the designated registered agent for service of process to serve in that capacity."

Page 1, line 5, replace "section to chapter 45-22" with "subdivision to subsection 1 of section 45-22-21.1"

Page 1, replace lines 7 through 23 with:

"If the limited liability partnership or foreign limited liability partnership owns or leases land that is used for farming or ranching in this state, a statement listing:

- (1) The names and addresses of all partners; and
- (2) The acreage [hectarage] and location listed by section, township, range, and county of all land in this state owned or leased by the limited liability partnership or foreign limited liability partnership."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1255: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1255 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1264, as amended, Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1264, as amended, was placed on the Sixth order on the calendar.

Page 1, line 15, overstrike "and serving in that capacity on July 1, 1997"

Page 1, line 17, overstrike "and serving in that capacity on"

Page 1, line 18, overstrike "July 1, 1997"

Page 1, line 19, overstrike "The two persons appointed to the agricultural consultation board by the"

Page 1, overstrike lines 20 and 21

Page 1, line 22, overstrike "g."

Page 1, line 23, overstrike "h." and insert immediately thereafter "g."

Page 2, line 1, overstrike "i." and insert immediately thereafter "h."

Page 2, overstrike lines 15 and 16

Page 2, line 20, overstrike "conclusion of the initial" and overstrike "each" and insert immediately thereafter "a"

Page 2, line 21, after the first "coalition" insert "expires"

Page 2, line 23, overstrike "Future appointments to these five"

Page 2, line 24, overstrike "positions must be made in the same manner."

Page 2, line 27, overstrike "conclusion of the initial" and overstrike "each" and insert immediately thereafter "a"

Page 2, line 28, after the first "units" insert "expires"

Page 2, line 31, overstrike "Future appointments to these five"

Page 3, line 1, overstrike "positions must be made in the same manner."

Page 3, line 5, after "appointment" insert "except that the ninety-day requirement is waived"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1266: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1266 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1279: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1279 was placed on the Sixth order on the calendar.

Page 1, line 19, after "controls" insert "that address environmental concerns"

Page 1, line 23, remove "23-20.3-12."

Page 2, line 1, replace "and" with "or"

Page 2, line 27, remove "and"

Page 2, line 30, replace the underscored comma with "; and"

Page 2, line 31, replace "and agree" with:

"h. Agree"

Page 3, line 22, after the underscored period insert "The political subdivision is responsible for providing all notices under this subdivision, but any public hearing must be held jointly by the political subdivision and the department."

Page 4, line 2, remove "the department." and remove the second underscored comma

Page 4, line 7, replace "c." with "3." and after "alternative" insert "to institutional controls, after completion of the assessments and requirements of subsection 1"

Page 4, line 13, replace "3." with "4."

Page 4, line 14, remove "authority"

Page 4, line 16, replace "4." with "5."

Page 4, line 21, after "property" insert "or results in the exposure of contaminants to receptors on the property"

Page 4, line 25, replace "6" with "7" and replace "7" with "8"

Page 4, line 26, after "property" insert "for any new or additional discharge, release, or movement of pollution or contamination"

Page 4, line 27, after "release" insert "or culpability for exposure of onsite or offsite receptors to pollution or contamination"

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

Page 5, line 9, replace "6." with "7."

Page 5, replace line 29 with:

"8. Participation by a lender in an agreement under this section may not be construed as management of the property under chapter 32-40.1. Lenders who participate in an agreement under this section may not be held responsible for any environmental remediation on the site or property except as provided in subsection 3 of section 32-40.1-02. As part of an agreement under subsection 7, the department may issue a letter of regulatory assurance to a lender which states that the lender is not responsible for environmental remediation on the property or site, and which addresses other issues relating to responsibility, notice, violation of agreement under subsection 7 by the owner or operator, default, or other matters affecting potential environmental liability, investment, or redevelopment. A responsibility exemption of regulatory assurance given or granted to a lender under this section also applies to a lender's transferees or assigns, provided the party has had no prior involvement with or responsibility for the site of the environmental release, and uses and manages the property after the transfer or assignment in compliance with institutional controls or other conditions established under this section and the requirements of this chapter and chapter 61-28."

Page 5, remove lines 30 and 31

Page 6, remove lines 1 through 6

Page 6, line 7, replace "8." with "9."

Page 6, line 9, replace ". or" with ". In addition" and replace "6" with "7 the department may collect an administrative fee for a specific site or project to address the department's costs and expenses at that site or project"

Page 6, line 10, replace "6. All" with "7, or may collect an administrative fee in an amount set by rule from a person making a request for a responsibility exemption or regulatory assurance under this section. Any"

Page 6, line 16, replace "9." with "10."

Page 6, line 24, replace "10." with "11."

Page 6, line 29, replace "11." with "12."

Page 7, line 1, replace "12." with "13."

Page 7, line 2, after the first "a" insert "regulated" and after the underscored comma insert "pollutant, contaminant,"

Page 7, line 13, replace "13." with "14."

Page 7, line 15, after the underscored period insert "A regulatory assurance is not voidable under subsection 5."

Page 7, line 16, replace "14." with "15."

Page 7, line 19, after the underscored period insert "A responsibility exemption is voidable only against a person that violates an institutional control or a condition of a letter of no further action or no further remediation, or that is responsible for a new or additional release or migration of a regulated substance or pollutant on the property or site, or whose actions or negligence cause the violation, release, or migration."

Page 7, line 20, replace "15." with "16."

Page 7, line 26, replace "16." with "17."

Page 8, line 14, after "controls" insert "that address environmental concerns"

Page 8, line 28, after "controls" insert "that address environmental concerns"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1283: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1283 was placed on the Sixth order on the calendar.

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

Page 1, after line 13, insert:

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1285: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1285 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1287: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1287 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1289: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1289 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1290: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1290 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1300: Political Subdivisions Committee (Rep. Devlin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1300 was placed on the Sixth order on the calendar.

Page 2, line 14, after "districts" insert "and soil conservation districts"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1358: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1358 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1436: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1436 was placed on the Eleventh order on the calendar.



**REPORT OF STANDING COMMITTEE**

**HCR 3003: Natural Resources Committee (Rep. Nelson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HCR 3003 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "taxation of"

Page 1, line 19, remove "taxation of"

Renumber accordingly

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

**Bradley C. Fay, Chief Clerk**

