

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

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Bismarck, January 21, 2005

The House convened at 12:00 p.m., with Speaker Klein presiding.

The prayer was offered by Father Marvin Klemmer, Ascension Catholic Church, Bismarck.

The roll was called and all members were present except Representatives Amerman, Berg, Bernstein, Carlson, Charging, DeKrey, Gulleson, Hunskor, D. Johnson, Nelson, Nicholas, and Potter.

A quorum was declared by the Speaker.

Rep. Monson would like the Journal to reflect that Representatives Charging, Dekrey, D. Johnson, and Nelson missed roll call because Natural Resources Committee was still meeting.

SIXTH ORDER OF BUSINESS

REP. MONSON MOVED that the amendments on the Sixth order of business to HB 1174, HB 1198, HB 1199 and HB 1241 be adopted, which motion prevailed.

HB 1174, as amended, was rereferred to the **Appropriations Committee**.

HB 1198, HB 1199 and HB 1241, as amended, were placed on the Eleventh order of business on the calendar.

MOTION

REP. PRICE MOVED that HB 1403 be returned to the House floor from the **Human Services Committee** and be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1112: A BILL for an Act to amend and reenact section 26.1-26-36 of the North Dakota Century Code, relating to a surplus lines insurance producer's authority to accept business from a nonadmitted company.

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 85 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; 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; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Amerman; Berg; Bernstein; Carlson; Froelich; Gulleson; Hunskor; Nicholas; Potter

HB 1112 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1116: A BILL for an Act to amend and reenact sections 26.1-22.1-08 and 26.1-22.1-10 of the North Dakota Century Code, relating to qualifications of inspectors and the time period for which certificates of inspection of the boiler inspection program are effective for steam traction engines.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 2 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; 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; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Schmidt; Solberg

ABSENT AND NOT VOTING: Amerman; Berg; Bernstein; Carlson; Froelich; Guleson; Hunskor; Nicholas; Potter

HB 1116 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1348: A BILL for an Act to amend and reenact sections 14-07.1-01, 14-07.1-10, and 14-07.1-12 of the North Dakota Century Code, relating to domestic violence arrest procedures and reports.

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, 0 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; 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; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Amerman; Berg; Bernstein; Carlson; Froelich; Guleson; Hunskor; Nicholas; Potter; Weiler

HB 1348 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1261: A BILL for an Act to amend and reenact section 15.1-12-22 of the North Dakota Century Code, relating to the powers of a school board in a reorganized district.

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 27 YEAS, 56 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Boucher; Clark; Conrad; DeKrey; Delmore; Ekstrom; Galvin; Glassheim; Hawken; Kaldor; Kelsh, S.; Kerzman; Kroeber; Maragos; Metcalf; Meyer, S.; Mueller; Onstad; Pietsch; Sandvig; Schmidt; Sitte; Solberg; Thorpe; Zaiser

NAYS: Bellew; Boehning; Brandenburg; Brusegaard; Carlisle; Charging; Damschen; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froseth; Grande; Haas; Hanson; Headland; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson;

Nelson; Norland; Nottestad; Owens; Pollert; Porter; Price; Rennerfeldt; Ruby; Skarphol; Svedjan; Thoreson; Timm; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Amerman; Berg; Bernstein; Boe; Carlson; Froelich; Gulleeson; Hunskor; Nicholas; Potter; Weiler

HB 1261 lost.

SECOND READING OF HOUSE BILL

HB 1262: A BILL for an Act to amend and reenact section 12.1-17-01 of the North Dakota Century Code, relating to simple assault.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; 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; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Amerman; Berg; Bernstein; Boe; Carlson; Froelich; Gulleeson; Hunskor; Nicholas; Potter; Weiler

HB 1262 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1092: A BILL for an Act to amend and reenact section 54-44.4-08 of the North Dakota Century Code, relating to the purchase of recycled paper products by state agencies and institutions.

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, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; 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; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Amerman; Berg; Bernstein; Boe; Carlson; Froelich; Gulleeson; Hunskor; Nicholas; Potter; Weiler

Engrossed HB 1092 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1100: A BILL for an Act to provide for protection of game and fish department records of personal information obtained from the public and records of sensitive biological data.

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, 0 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Boe; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; 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; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Amerman; Berg; Bernstein; Carlson; Froelich; Gulleston; Hunskor; Nicholas; Potter; Weiler

Engrossed HB 1100 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1076: A BILL for an Act to amend and reenact sections 15.1-06-06, 15.1-13-13, 15.1-18-07, 15.1-18-10, and 15.1-18.1-02 of the North Dakota Century Code, relating to licensing, qualifications, and national certification of teachers.

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 67 YEAS, 17 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; Conrad; DeKrey; Delmore; Devlin; Dietrich; Dosch; Ekstrom; Froseth; Glassheim; Haas; Hanson; Hawken; Herbel; Horter; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Norland; Nottestad; Onstad; Owens; Pietsch; Porter; Price; Rennerfeldt; Sandvig; Schmidt; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigesaa; Wall; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Brandenburg; Charging; Damschen; Delzer; Drovdal; Galvin; Grande; Headland; Kasper; Kempenich; Pollert; Ruby; Sitte; Skarphol; Wald; Weisz; Wrangham

ABSENT AND NOT VOTING: Amerman; Berg; Bernstein; Carlson; Froelich; Gulleston; Hunskor; Nicholas; Potter; Weiler

Engrossed HB 1076 passed and the title was agreed to.

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 1228, HB 1233.

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 2030, SB 2065, SB 2068, SB 2079, SB 2088, SB 2124, SB 2148, SB 2163, SB 2174, SB 2180, SB 2181, SB 2182, SB 2194.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3006.

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

MR. PRESIDENT: The Speaker has signed: SCR 4006.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, January 24, 2005, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Monson, S. Kelsh, Nelson and Sens. Grindberg, Heitkamp introduced:

HCR 3011: A concurrent resolution urging the state's public research institutions of higher education to participate in a regional hydrogen and energy research and education consortium.

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

Reps. Mueller, R. Kelsch, Kroeber and Sens. Freborg, Robinson, Taylor introduced:

HCR 3012: A concurrent resolution urging the Secretary of the United States Department of Education to declare that elementary teachers licensed by the North Dakota Education Standards and Practices Board meet and exceed all requirements for being highly qualified as provided in the No Child Left Behind Act.

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

Reps. Aarsvold, Wald, Wieland and Sens. Nelson, Wardner, Warner introduced:

HCR 3013: A concurrent resolution directing the Legislative Council to study the causes of and factors that reduce the severity of motor vehicle crashes.

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

REPORT OF STANDING COMMITTEE

HB 1028: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1028 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "seven" with "eight"

Page 1, line 21, after "groups" insert ". Each employer representative must be a principal owner, chief executive officer, or chief financial officer of the employer"

Page 1, line 22, replace "One member who" with "Two members" and after "employees" insert ", one of whom must represent organized labor and one of whom does not hold a managerial position in employment"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1059: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1059 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "52-08.1-01,", replace the second "and" with a comma, and after "52-08.1-03" insert ", 52-08.1-04, 52-08.1-05, and 52-08.1-06"

Page 1, line 2, after "to" insert "changing the name of work force 2000 to workforce 20/20 and" and replace "work force 2000" with "workforce 20/20"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 52-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

52-08.1-01. North Dakota ~~work force 2000~~ workforce 20/20 policy and goals.

1. The legislative assembly finds that a highly skilled work force is critical to the present and future competitiveness of North Dakota's economy. The legislative assembly, therefore, declares that it is the policy of the state to support and promote skill training, retraining, and upgrade training for North Dakota workers. It is the goal of the state to:
 - a. Improve the skills of North Dakota workers;

- b. Promote and sponsor effective and responsive training programs for employed and unemployed North Dakotans who need job-related training;
 - c. Promote programs that lead to family wage jobs;
 - d. Secure the active participation and full cooperation of North Dakota industry leaders, business owners, and employee representatives in developing programs to increase and improve worker skill training;
 - e. Promote the coordination of North Dakota's education and job training systems to more fully respond to the increasingly complex training needs of workers; and
 - f. Promote access to education and job training programs for all North Dakotans regardless of their economic status or geographic location within the state.
2. The legislative assembly declares that it is the policy of this state to integrate skill training and development programs into its economic development strategies."

Page 1, line 6, overstrike "**work force 2000**" and insert immediately thereafter "workforce 20/20"

Page 1, line 7, overstrike "work force 2000" and insert immediately thereafter "workforce 20/20"

Page 2, line 1, after "3." insert "An applicant may be eligible for funding of sales and marketing training that is necessitated due to technology or equipment changes that affect manufacturing or production.

4."

Page 2, line 7, replace "4." with "5."

Page 2, line 8, replace "5." with "6."

Page 2, line 19, overstrike "**work force 2000**" and insert immediately thereafter "workforce 20/20"

Page 3, after line 7, insert:

"SECTION 4. AMENDMENT. Section 52-08.1-04 of the North Dakota Century Code is amended and reenacted as follows:

52-08.1-04. North Dakota ~~work force 2000~~ workforce 20/20 program implementation and coordination.

1. All programs must be conducted through contractual arrangements made with job service North Dakota.
2. Programs must be conducted in cooperation with appropriate state board for career and technical education approved training providers and institutions.
3. Final screening of trainees must be conducted by the company with the assistance of job service North Dakota when required.
4. Program effectiveness will be determined by post-training monitoring that will address such issues as:
 - a. Company satisfaction with the program.
 - b. Company transition to new technologies or products.
 - c. Post-training wage levels versus pretraining wage levels.
 - d. Number of trainees successfully completing the program.

- e. Number of trainees who are retained by the company as a result of the training program.
- f. Number of new jobs created at entry level as a result of upgrade training.

SECTION 5. AMENDMENT. Section 52-08.1-05 of the North Dakota Century Code is amended and reenacted as follows:

52-08.1-05. North Dakota ~~work force 2000~~ workforce 20/20 application procedure.

1. A proposal or concept paper must be submitted by the appropriate company, trade representative, or employee representative to job service North Dakota.
2. The proposal or concept paper should address the key guideline points but be kept brief.

SECTION 6. AMENDMENT. Section 52-08.1-06 of the North Dakota Century Code is amended and reenacted as follows:

52-08.1-06. North Dakota ~~work force 2000~~ workforce 20/20 gifts and grants. Job service North Dakota is authorized to accept and use any funds, including gifts and grants, made available for the purpose of defraying expenses involved in carrying out this chapter."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1065: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1065 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1068: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1068 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1072: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1072 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1129: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1129 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1134: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO NOT PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1134 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1162: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1162 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "to the person to whom the child support is owed the sum" with "in the amount"

Page 2, line 30, remove "or a political subdivision of the state"

Page 3, line 15, remove the overstrike over "~~three~~"

Page 3, line 16, remove "two"

Page 3, line 17, remove the overstrike over "~~five~~" and remove "two"

Page 3, line 28, replace "The" with "Upon notice to the licensee, the"

Page 4, line 17, remove the overstrike over "~~three~~" and remove "two"

Page 4, line 18, remove the overstrike over "~~five~~" and remove "two"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1172: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1172 was rereferred to the **Appropriations Committee**.

Page 1, line 3, remove "a new section to chapter 50-06.3,"

Page 1, line 6, remove "section 28-20-34,"

Page 1, line 8, remove "judgment interest,"

Page 1, line 15, replace "A" with "Notwithstanding section 13-05-02, a"

Page 1, line 24, after the underscored semicolon insert "or"

Page 2, line 2, replace "; or" with an underscored period

Page 2, remove lines 3 and 4

Page 3, line 24, replace "and is appropriated on a continuing basis" with ". Any funds retained by the public authority under this subsection must be deposited in the account established under section 50-09-15.1. Notwithstanding section 50-09-15.1, any funds that have been retained and deposited under this subsection may be used by"

Page 3, line 25, remove the first "to"

Page 3, line 26, after the underscored period insert "Subject to available appropriations, any claim by an obligee for funds that have been retained under this subsection must be paid out of the account established under section 50-09-15.1."

Page 4, remove lines 21 through 31

Page 5, remove lines 1 through 5

Page 6, remove lines 4 through 15

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1173: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1173 was rereferred to the **Appropriations Committee**.

Page 1, line 4, after the fifth comma insert "and" and remove "and 35-34-12,"

Page 5, line 17, after "action" insert "or in any other manner agreed to by the financial institution"

Page 5, line 26, overstrike the comma and remove "prohibits the account from being"

Page 5, line 27, remove "closed."

Page 5, line 30, remove ", and within fifteen days of being served with the notice of the lien shall."

Page 7, remove lines 3 through 10

Page 8, line 16, replace "take one or more of the following actions" with "deduct the amount identified in the order from"

Page 8, line 17, remove "regarding" and replace the underscored colon with an underscored period

Page 8, remove lines 18 through 25

Page 8, line 27, replace "by first-class mail" with "in the manner provided for service of a summons in a civil action"

Page 9, line 2, replace "and on any future date or interval as directed in the order, together with a" with an underscored period

Page 9, remove line 3

Page 9, line 4, replace "Except as provided in this section, an" with "An"

Page 9, line 5, replace ". If an account is frozen" with ", except to the extent necessary to"

Page 9, remove line 6

Page 9, line 7, remove "served with the order shall,"

Page 9, line 13, remove "per deduction"

Page 9, remove lines 16 through 23

Page 9, line 24, replace "9." with "7."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1247: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1247 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1252: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1252 was rereferred to the **Appropriations Committee**.

Page 2, line 14, replace "The" with "For the rate year beginning 2006, the"

Page 2, line 16, remove "established", replace "be less in" with "fall below", and after the second "the" insert "median of the most recent cost report"

Page 2, remove lines 17 through 20

Page 2, line 21, remove "each nursing facility that would be subject to a limit under this chapter"

Page 4, line 8, after "established" insert "at least"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1259: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1259 was placed on the Sixth order on the calendar.

Page 1, line 2, after "28-32-08.1" insert ", section 50-06-22, subsection 2 of section 50-09-14, subsection 2 of section 54-10-01, subsection 7 of section 57-38-57, subsection 47 of section 57-39.2-04, and subsection 7 of section 57-39.2-23"

Page 1, line 3, after "statements" insert ", the compulsive gambling prevention and treatment fund, child support setoff, annual audits, compliance with tax reporting requirements, and sales tax exemptions"

Page 2, after line 4, insert:

"**SECTION 2. AMENDMENT.** Section 50-06-22 of the North Dakota Century Code is amended and reenacted as follows:

50-06-22. Compulsive gambling prevention and treatment fund - Continuing appropriation. Funds deposited in the compulsive gambling prevention and treatment fund under section ~~53-12-24~~53-12.1-09 are appropriated to the department on a continuing basis for the purpose of providing the services under section 50-06-21.

SECTION 3. AMENDMENT. Subsection 2 of section 50-09-14 of the North Dakota Century Code is amended and reenacted as follows:

2. Any person aggrieved by an action taken by the state agency or a child support agency under section 14-09-25, chapter 35-34, this chapter, or by the North Dakota lottery director under chapter~~53-12~~ 53-12.1 to establish or enforce a child support order may seek review of the action in the court of this state which issued or considered the child support order. If an order for child support was issued by a court or administrative tribunal in another state, any person aggrieved by an action taken by the state agency or a child support agency under section 14-09-25, chapter 35-34, this chapter, or by the North Dakota lottery director under chapter~~53-12~~ 53-12.1 to enforce that order may seek review of the action in any court of this state which has jurisdiction to enforce that order, or if no court of this state has jurisdiction to enforce that order, in any court of this state with jurisdiction over the necessary parties. Any review sought under this subsection must be commenced within thirty days after the date of action for which review is sought. A person who has a right of review under this subsection may not seek review of the actions in a proceeding under chapter 28-32."

Page 10, line 12, remove "However, if the amount of a prize is more"

Page 10, remove line 13

Page 10, line 14, remove "and player's name, city, and state of residence"

Page 11, line 16, after "valid" insert ", unless a review by a court is authorized under section 50-09-14"

Page 12, after line 24, insert:

"**SECTION 5. AMENDMENT.** Subsection 2 of section 54-10-01 of the North Dakota Century Code is amended and reenacted as follows:

2. Perform or provide for the audit of the general purpose financial statements and a review of the material included in the comprehensive annual financial report of the state and perform or provide for the audits and reviews of state agencies. Except for the annual audit of the North Dakota lottery required by section~~53-12-07~~ 53-12.1-03, the state auditor shall audit or review each state agency once every two years. The state auditor shall determine the contents of the audits and reviews of state agencies. The state auditor may conduct any work required by the federal government. The state auditor shall charge an amount equal to the cost of the audit and other services rendered by the state auditor to all agencies that receive and expend moneys from other than the general fund. This charge may be reduced for any agency that receives and expends both general fund and non-general fund moneys. Audits and reviews may be conducted at more frequent intervals if requested by the governor or legislative audit and fiscal review committee.

SECTION 6. AMENDMENT. Subsection 7 of section 57-38-57 of the North Dakota Century Code is amended and reenacted as follows:

7. The tax commissioner, upon written request from the director of the North Dakota lottery, may provide a written statement to the director, employees, or agents of the North Dakota lottery, in which the tax commissioner is limited to stating that the lottery retailer applicant has complied or not complied with the requirements of this chapter. The information obtained under this subsection is confidential and may be used for the sole purpose of determining whether the applicant meets the requirements of ~~subdivision~~

~~d of subsection 4 subsections 3, 4, and 5 of section 53-12-13 and subdivision d of subsection 1 of section 53-12-14 53-12.1-07.~~

SECTION 7. AMENDMENT. Subsection 47 of section 57-39.2-04 of the North Dakota Century Code is amended and reenacted as follows:

47. Gross receipts from the sale of lottery tickets under chapter ~~53-12~~ 53-12.1.

SECTION 8. AMENDMENT. Subsection 7 of section 57-39.2-23 of the North Dakota Century Code is amended and reenacted as follows:

7. The tax commissioner, upon written request from the director of the North Dakota lottery, may provide a written statement to the director, employees, or agents of the North Dakota lottery, in which the tax commissioner is limited to stating that the lottery retailer applicant has complied or not complied with the requirements of this chapter. The information obtained under this subsection is confidential and may be used for the sole purpose of determining whether the applicant meets the requirements of ~~subdivision d of subsection 4 subsections 3, 4, and 5 of section 53-12-13 and subdivision d of subsection 1 of section 53-12-14 53-12.1-07.~~

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1267: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1267 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "investigation" with "assessment"

Page 1, line 11, after "all" insert "representatives of the" and replace "employees" with "system"

Page 1, line 12, remove "employees" and replace "to protect the constitutional and statutory" with "of the representatives. The training may consist of various methods of informing the representatives of these duties, to protect the legal rights and safety of children and families from the initial time of contact during assessment through treatment.

3. The department shall adopt rules to implement the requirements of this section."

Page 1, remove lines 13 through 18

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1270: Transportation Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1270 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1299: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1299 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1303: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (8 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1303 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1310: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1310 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1326: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1326 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1328: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends **DO NOT PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1328 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1337: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends **DO PASS** (9 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1337 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1349: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends **DO NOT PASS** (9 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1349 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3007: Political Subdivisions Committee (Rep. Devlin, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3007 was placed on the Tenth order on the calendar.

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

Bradley C. Fay, Chief Clerk