

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

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Bismarck, February 5, 2007

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

The prayer was offered by Pastor Paul Grothe, Our Savior's Lutheran, Hillsboro and Blanchard Lutheran.

The roll was called and all members were present except Representatives Froelich, Heller, and Solberg.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 316, line 36, after "HB 1033," insert "HB 1128,"

Page 316, line 39, insert "HB 1128," before "HB 1247"

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

MOTION

REP. MONSON MOVED that after action on the Sixth order, Engrossed HB 1403 be placed on the Eleventh order rather than be rereferred to the **Appropriations Committee** as stated in the Standing Committee Report, which motion prevailed.

MOTION

REP. MONSON MOVED that after action on the Sixth Order, Engrossed HB 1432 and Engrossed HB 1511 be rereferred to the **Appropriations Committee** rather than be placed on the Eleventh Order, which motion prevailed.

SIXTH ORDER OF BUSINESS

SPEAKER DELZER DEEMED approval of the amendments to HB 1034, HB 1129, HB 1160, HB 1181, HB 1200, HB 1271, HB 1296, HB 1324, HB 1364, HB 1368, HB 1372, HB 1379, HB 1383, HB 1387, HB 1395, HB 1401, HB 1403, HB 1429, HB 1432, HB 1433, HB 1446, HB 1470, HB 1487, HB 1490, HB 1511, HB 1512 and HCR 3009.

HB 1129, HB 1160, HB 1200, HB 1296, HB 1324, HB 1368, HB 1395, HB 1401, HB 1432, HB 1433, HB 1487, HB 1511 and HB 1512, as amended, were rereferred to the **Appropriations Committee**.

HB 1034, HB 1181, HB 1271, HB 1364, HB 1372, HB 1379, HB 1383, HB 1387, HB 1403, HB 1429, HB 1446, HB 1470, HB 1490 and HCR 3009, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

HB 1027: REP. RUBY (Industry, Business and Labor Committee) MOVED that the amendments on HJ pages 369-376 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

SIXTH ORDER OF BUSINESS

HB 1463: REP. PORTER (Human Services Committee) MOVED that the amendments on HJ pages 395-396 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

MOTION

REP. MONSON MOVED the passage of all the resolutions on the Consent Calendar.

MOTION

REP. BOUCHER MOVED the amendment to the previous motion to state the passage of all the resolutions on the Consent Calendar with exception of HCR 3021, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3001: A concurrent resolution authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.

HCR 3002: A concurrent resolution directing the Legislative Council to study the judicial election and judicial selection process in North Dakota.

HCR 3014: A concurrent resolution declaring Monday, February 12, 2007, "North Dakota Close Up Day".

The question being on the final adoption of the resolutions, which have been read.

HCR 3001, HCR 3002, and HCR 3014 were declared adopted on a voice vote, and the titles were agreed to.

MOTION

REP. MONSON MOVED that HCR 3021, which is on the Tenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2024: A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services for a medicaid management information system; to provide an exemption; to provide for budget section reports and budget section approval; and to declare an emergency.

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

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

NAYS: Bellew; Dosch

ABSENT AND NOT VOTING: Froelich; Heller; Solberg; Wald

Engrossed SB 2024 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2189: A BILL for an Act to provide an appropriation for state employee salary equity adjustments; to provide a statement of legislative intent regarding state employee compensation adjustments; and to provide a statement of legislative intent regarding state employee health insurance premiums.

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; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore;

Dietrich; Dosch; Drovda; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Froelich; Heller; Solberg; Weisz

SB 2189 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that HB 1335 and HB 1337, which are on the Eleventh order, be moved to the bottom of the calendar, which motion prevailed.

MOTION

REP. MONSON MOVED that HB 1160 and HB 1324 be returned to the House floor from the **Appropriations Committee** and be placed on the Eleventh order on tomorrow's calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1033: A BILL for an Act to create and enact chapter 48-01.2 of the North Dakota Century Code, relating to public improvements, bidding, construction management, and public improvement contracts; to amend and reenact section 11-11-26, subdivision f of subsection 1 of section 15.1-09-34, sections 23-11-11, 25-01.1-33, 40-22-19, 40-28-07, 40-29-07, 40-31-04, and 40-33.2-09, subsection 7 of section 40-33.3-06, section 40-49-14, subsection 12 of section 40-57-03, sections 43-07-23, 48-05-12, and 57-40.2-14, subsection 2 of section 61-02-04.1, subsection 2 of section 61-02-23.2, sections 61-07-09, 61-12-25, 61-16.1-14, 61-21-25, 61-21-45, 61-24.3-03.1, 61-35-13, and 61-35-88, and subsection 2 of section 61-35-94 of the North Dakota Century Code, relating to public improvements, bidding, and public improvement contracts; and to repeal chapters 48-01.1 and 48-02 of the North Dakota Century Code, relating to public improvements, bidding, and public improvement contracts.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Froelich; Heller; Solberg; Weisz

Engrossed HB 1033 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1080: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for purchases of certain culverts; 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 6 YEAS, 84 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Boucher; Griffin; Keiser

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

ABSENT AND NOT VOTING: Froelich; Heller; Solberg; Weisz

HB 1080 lost.

SECOND READING OF HOUSE BILL

HB 1132: A BILL for an Act to create and enact section 23-01-05.5 of the North Dakota Century Code, relating to the use and disclosure of autopsy reports by the state forensic examiner.

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 0 YEAS, 90 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Froelich; Heller; Solberg; Weisz

HB 1132 lost.

SECOND READING OF HOUSE BILL

HB 1182: A BILL for an Act to amend and reenact section 38-11.1-05 of the North Dakota Century Code, relating to notice of oil and gas drilling operations.

ROLL CALL

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

YEAS: Drovda

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

ABSENT AND NOT VOTING: Froelich; Heller; Koppelman; Solberg; Weisz

Engrossed HB 1182 lost.

SECOND READING OF HOUSE BILL

HB 1185: A BILL for an Act to amend and reenact section 4-10.7-07 of the North Dakota Century Code, relating to the powers and duties of the North Dakota dry pea and lentil council.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Froelich; Heller; Solberg; Weisz

Engrossed HB 1185 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1199: A BILL for an Act to amend and reenact sections 15.1-31-01 and 15.1-31-07 of the North Dakota Century Code, relating to the open enrollment of students; to repeal section 15.1-31-02 of the North Dakota Century Code, relating to grounds for denial of an open enrollment application; and to declare an emergency.

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

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

NAYS: Drovda; Kempenich; Monson; Price

ABSENT AND NOT VOTING: Froelich; Heller; Solberg; Weisz

HB 1199 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1204: A BILL for an Act to amend and reenact sections 65-01-15 and 65-01-15.1 of the North Dakota Century Code, relating to a workers' compensation presumption of compensability for volunteer firefighters.

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 11 YEAS, 78 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Ekstrom; Glassheim; Griffin; Kelsch, R.; Kempenich; Meyer, S.; Mueller; Onstad; Porter; Schmidt; Zaiser

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Froseth; Grande; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsh, S.; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Myxter; Nelson; Nottestad; Owens; Pietsch; Pinkerton; Pollert; Potter; Price; Ruby; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Wolf; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Froelich; Heller; Solberg; Weisz; Williams

HB 1204 lost.

SECOND READING OF HOUSE BILL

HB 1215: A BILL for an Act to amend and reenact section 61-34-04 of the North Dakota Century Code, relating to drought livestock water assistance program maximum payments.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Froelich; Heller; Solberg; Williams

Engrossed HB 1215 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1226: A BILL for an Act to provide for a legislative council study of the feasibility and desirability of providing limitations on for-profit activities of nonprofit organizations.

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 82 YEAS, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Conrad; Glassheim; Guleson; Kelsch, R.; Kerzman; Porter; Potter; Wolf; Wrangham

ABSENT AND NOT VOTING: Froelich; Heller; Solberg

Engrossed HB 1226 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that HB 1273, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion failed.

SECOND READING OF HOUSE BILL

HB 1278: A BILL for an Act to amend and reenact section 52-04-06.1 of the North Dakota Century Code, relating to construction project risk protection.

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

ABSENT AND NOT VOTING: Amerman; Froelich; Heller; Solberg

Engrossed HB 1278 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1292: A BILL for an Act to create and enact two new sections to chapter 15.1-21 of the North Dakota Century Code, relating to the education of English language learners; and to amend and reenact section 15.1-27-12 of the North Dakota Century Code, relating to per student payments for English language learners.

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 20 YEAS, 71 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bellew; Boe; Boucher; Brandenburg; Carlson; Charging; Dosch; Grande; Hawken; Headland; Johnson, N.; Kasper; Keiser; Metcalf; Onstad; Pinkerton; Ruby; Thoreson; Thorpe; Weiler

NAYS: Aarsvold; Amerman; Belter; Berg; Boehning; Carlisle; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovdal; Ekstrom; Froseth; Glassheim; Griffin; Gruchalla; Gulleeson; Haas; Hanson; Hatlestad; Herbel; Hofstad; Hunskor; Johnson, D.; Kaldor; Karls; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemmin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Price; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Froelich; Heller; Solberg

HB 1292 lost.

SECOND READING OF HOUSE BILL

HB 1316: A BILL for an Act to provide for a legislative council study of the protection of consumer telephone records.

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 81 YEAS, 9 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Belter; Carlson; Froseth; Grande; Pollert; Wald; Weiler; Speaker Delzer

ABSENT AND NOT VOTING: Froelich; Headland; Heller; Solberg

Engrossed HB 1316 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1328: A BILL for an Act to amend and reenact subsection 1 of section 13-01-14 of the North Dakota Century Code, relating to late payment charges on accounts receivable.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 74 YEAS, 16 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Charging; Clark; Dahl; Damschen; Dosch; Drovdal; Froseth; Grande; Griffin; Gruchalla; Gulleston; Haas; Hanson; Hatlestad; Hawken; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nottestad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Williams; Wolf; Wrangham; Zaiser

NAYS: Carlson; Conrad; DeKrey; Delmore; Dietrich; Ekstrom; Glassheim; Kerzman; Kroeber; Meyer, S.; Nelson; Onstad; Thorpe; Weisz; Wieland; Speaker Delzer

ABSENT AND NOT VOTING: Froelich; Headland; Heller; Solberg

Engrossed HB 1328 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1339: A BILL for an Act to create and enact a new subsection to section 26.1-39-06 of the North Dakota Century Code, relating to homeowner insurance coverage and notice for matching housing materials.

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 22 YEAS, 68 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boe; Boucher; Conrad; Delmore; Ekstrom; Glassheim; Griffin; Gulleston; Hanson; Hawken; Hunskor; Kaldor; Kelsh, S.; Kerzman; Meyer, S.; Mueller; Potter; Schmidt; Schneider; Vig; Wolf

NAYS: Amerman; Bellew; Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Froseth; Grande; Gruchalla; Haas; Hatlestad; Herbel; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Skarphol; Sukut; Svedjan;

Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Froelich; Headland; Heller; Solberg

HB 1339 lost.

SECOND READING OF HOUSE BILL

HB 1355: A BILL for an Act to amend and reenact section 31-13-03 of the North Dakota Century Code, relating to persons subject to DNA testing.

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

ABSENT AND NOT VOTING: Froelich; Headland; Heller; Solberg

HB 1355 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that HB 1357, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1390: A BILL for an Act to create and enact a new section to chapter 50-11 of the North Dakota Century Code, relating to liability coverage for damage caused by foster children.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Froelich; Headland; Heller; Solberg

Engrossed HB 1390 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1396: A BILL for an Act to amend and reenact subsection 2 of section 20.1-13.1-10, subsection 4 of section 20.1-15-11, subsection 4 of section 39-20-07, and subsection 2

of section 39-24.1-08 of the North Dakota Century Code, relating to determination of alcohol concentration by breath testing.

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

ABSENT AND NOT VOTING: Froelich; Headland; Heller; Koppelman; Solberg; Wald

HB 1396 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1419: A BILL for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to imposition of a railroad excise tax and to provide for allocation of excise tax revenues; 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 7 YEAS, 83 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeKrey; Herbel; Owens; Price; Schmidt; Vigesaa; Weisz

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

ABSENT AND NOT VOTING: Froelich; Headland; Heller; Solberg

HB 1419 lost.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1060, HB 1305.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1290, HB 1334, HB 1338, HB 1346, HB 1367, HB 1374, HB 1376, HB 1412, HB 1461, HB 1514.

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 2266.

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 2010, SB 2192, SB 2252, SB 2312, SB 2344.

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., Tuesday, February 6, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1037: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1037 was placed on the Sixth order on the calendar.

Page 1, line 21, remove the overstrike over "~~shall~~" and remove "may"

Page 1, line 24, remove the overstrike over "~~this section if that person fails to submit satisfactory evidence of the~~"

Page 2, remove the overstrike over lines 1 through 4

Page 2, line 5, remove the overstrike over "~~administration fee for violation of~~"

Page 2, line 6, remove "A person charged with a violation of subsection 1 may not be found to have"

Page 2, remove lines 7 and 8

Page 2, line 9, remove "court."

Page 2, line 21, overstrike "an eighteen-month" and insert immediately thereafter "a three-year"

Page 2, line 22, after the period insert "For a second or subsequent conviction for a violation of subsection 1 or equivalent ordinance, the court shall impound the motor vehicle number plates of the motor vehicle owned and operated by the person at the time of the violation until that person provides proof of insurance and a twenty dollar fee to the department. The person shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the department. A person who does not provide the number plates to the court at the appropriate time is guilty of a class B misdemeanor."

Page 2, line 30, remove "For a second or"

Page 2, remove line 31

Page 3, remove lines 1 through 7

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1039: Natural Resources Committee (Rep. Porter, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (7 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1039 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1049: Finance and Taxation Committee (Rep. Belter, 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 1049 was placed on the Sixth order on the calendar.

Page 1, line 3, after "reenact" insert "subsection 1 of section 57-39.2-02.1, subsection 44 of section 57-39.2-04, and"

Page 1, line 4, after "to" insert "a sales and use tax exemption for coal sold for use as heating fuel and"

Page 1, after line 8, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as otherwise expressly provided in subsection 2 for sales of mobile homes used for residential or business purposes, and except as otherwise expressly provided in this chapter, there is imposed a tax of five percent upon the gross receipts of retailers from all sales at retail including the leasing or renting of tangible personal property as provided in this section, within this state of the following to consumers or users:
 - a. Tangible personal property, consisting of goods, wares, or merchandise, except mobile homes used for residential or business purposes.
 - b. The furnishing or service of communication services or steam other than steam used for processing agricultural products.
 - c. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment, or athletic activity, and including the furnishing of bingo cards and the playing of any machine for amusement or entertainment in response to the use of a coin. The tax imposed by this section applies only to eighty percent of the gross receipts collected from coin-operated amusement devices.
 - d. Magazines and other periodicals.
 - e. The leasing or renting of a hotel or motel room or tourist court accommodations.
 - f. The leasing or renting of tangible personal property the transfer of title to which has not been subjected to a retail sales tax under this chapter or a use tax under chapter 57-40.2.
 - g. ~~Coal mined in this state and used for heating buildings, except for coal used in agricultural processing or sugar beet refining plants.~~
 - h. Sale, lease, or rental of a computer and prewritten computer software, including prewritten computer software delivered electronically or by load and leave. For purposes of this subdivision:
 - (1) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.
 - (2) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.
 - (3) "Delivered electronically" means delivered from the seller to the purchaser by means other than tangible storage media.
 - (4) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
 - (5) "Load and leave" means delivery to the purchaser by use of a tangible storage media when the tangible storage media is not physically transferred to the purchaser.
 - (6) "Prewritten computer software" means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more "prewritten computer software" programs or prewritten portions thereof does not cause the combination to be other than "prewritten computer software". "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or

enhances "computer software" of which the person is not the author or creator, the person is deemed to be the author or creator only of such person's modifications or enhancements. "Prewritten computer software" or a prewritten portion thereof that is modified or enhanced to any degree, if such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains "prewritten computer software". However, if there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute "prewritten computer software".

SECTION 2. AMENDMENT. Subsection 44 of section 57-39.2-04 of the North Dakota Century Code is amended and reenacted as follows:

44. Gross receipts from all sales of coal ~~used in agricultural processing or sugar beet refining plants located within this state~~ that is exempt from the coal severance tax."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1051: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1051 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 57-15-01.2 and"

Page 1, line 2, after the first "to" insert "limitations on levies by taxing districts and" and after "sections" insert "57-02-08.1,"

Page 1, line 3, after the first comma insert "57-20-21.1," and after "57-32-03" insert "and subsection 1 of section 57-38-30.3"

Page 1, line 4, after "statements" insert ", income tax rates, priority for delinquent taxes, the homestead property tax credit,"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 57-02-08.1 of the North Dakota Century Code is amended and reenacted as follows:

57-02-08.1. Homestead credit.

1. a. Any person sixty-five years of age or older or permanently and totally disabled, in the year in which the tax was levied, with an income that does not exceed the limitations of subdivision c is entitled to receive a reduction in the assessment on the taxable valuation on the person's homestead. An exemption under this subsection applies regardless of whether the person is the head of a family.
- b. The exemption under this subsection continues to apply if the person does not reside in the homestead and the person's absence is due to confinement in a nursing home, hospital, or other care facility, for as long as the portion of the homestead previously occupied by the person is not rented to another person.
- c. The exemption must be determined according to the following schedule:
 - (1) If the person's income is not in excess of ~~eighteen~~ eighteen thousand ~~five~~ five hundred dollars, a reduction of one hundred percent of the taxable valuation of the person's homestead up to a maximum reduction of three thousand thirty-eight dollars of taxable valuation.
 - (2) If the person's income is in excess of ~~eighteen~~ eighteen thousand ~~five~~ five hundred dollars and not in excess of ~~ten~~ twelve thousand

dollars, a reduction of eighty percent of the taxable valuation of the person's homestead up to a maximum reduction of two thousand four hundred thirty dollars of taxable valuation.

- (3) If the person's income is in excess of ~~ten~~twelve thousand dollars and not in excess of ~~eleven~~fourteen thousand ~~five hundred~~ dollars, a reduction of sixty percent of the taxable valuation of the person's homestead up to a maximum reduction of one thousand eight hundred twenty-three dollars of taxable valuation.
 - (4) If the person's income is in excess of ~~eleven~~fourteen thousand ~~five hundred~~ dollars and not in excess of ~~thirteen~~ sixteen thousand dollars, a reduction of forty percent of the taxable valuation of the person's homestead up to a maximum reduction of one thousand two hundred fifteen dollars of taxable valuation.
 - (5) If the person's income is in excess of ~~thirteen~~sixteen thousand dollars and not in excess of ~~fourteen~~seventeen thousand five hundred dollars, a reduction of twenty percent of the taxable valuation of the person's homestead up to a maximum reduction of six hundred eight dollars of taxable valuation.
- d. Persons residing together, as spouses or when one or more is a dependent of another, are entitled to only one exemption between or among them under this subsection. Persons residing together, who are not spouses or dependents, who are coowners of the property are each entitled to a percentage of a full exemption under this subsection equal to their ownership interests in the property.
 - e. This subsection does not reduce the liability of any person for special assessments levied upon any property.
 - f. Any person claiming the exemption under this subsection shall sign a verified statement of facts establishing the person's eligibility.
 - g. A person is ineligible for the exemption under this subsection if the value of the assets of the person and any dependent residing with the person, excluding the unencumbered value of the person's residence that the person claims as a homestead, exceeds fifty thousand dollars, including the value of any assets divested within the last three years. For purposes of this subdivision, the unencumbered valuation of the homestead is limited to one hundred thousand dollars.
 - h. The assessor shall attach the statement filed under subdivision f to the assessment sheet and shall show the reduction on the assessment sheet.
 - i. An exemption under this subsection terminates at the end of the taxable year of the death of the applicant.
2. a. Any person who would qualify for an exemption under subdivisions a and c of subsection 1 except for the fact that the person rents living quarters is eligible for refund of a portion of the person's annual rent deemed by this subsection to constitute the payment of property tax.
 - b. For the purpose of this subsection, twenty percent of the annual rent, exclusive of any federal rent subsidy and of charges for any utilities, services, furniture, furnishings, or personal property appliances furnished by the landlord as part of the rental agreement, whether expressly set out in the rental agreement, must be considered as payment made for property tax. When any part of the twenty percent of the annual rent exceeds four percent of the annual income of a qualified applicant, the applicant is entitled to receive a refund from the state general fund for that amount in excess of four percent of the person's annual income, but the refund may not be in excess of two hundred forty dollars. If the calculation for the refund is less than five dollars, a minimum of five dollars must be sent to the qualifying applicant.

- c. Persons who reside together, as spouses or when one or more is a dependent of another, are entitled to only one refund between or among them under this subsection. Persons who reside together in a rental unit, who are not spouses or dependents, are each entitled to apply for a refund based on the rent paid by that person.
 - d. Each application for refund under this subsection must be made to the tax commissioner before the first day of June of each year by the person claiming the refund. The tax commissioner may grant an extension of time to file an application for good cause. The tax commissioner shall issue refunds to applicants.
 - e. This subsection does not apply to rents or fees paid by a person for any living quarters, including a nursing home licensed pursuant to section 23-16-01, if those living quarters are exempt from property taxation and the owner is not making a payment in lieu of property taxes.
 - f. A person may not receive a refund under this section for a taxable year in which that person received an exemption under subsection 1.
3. All forms necessary to effectuate this section must be prescribed, designed, and made available by the tax commissioner. The county directors of tax equalization shall make these forms available upon request.
 4. A person whose homestead is a farm structure exempt from taxation under subsection 15 of section 57-02-08 may not receive any property tax credit under this section.
 5. For the purposes of this section:
 - a. "Dependent" has the same meaning it has for federal income tax purposes.
 - b. "Homestead" has the same meaning as provided in section 47-18-01.
 - c. "Income" means income for the most recent complete taxable year from all sources, including the income of any dependent of the applicant, and including any county, state, or federal public assistance benefits, social security, or other retirement benefits, but excluding any federal rent subsidy, any amount excluded from income by federal or state law, and medical expenses paid during the year by the applicant or the applicant's dependent which is not compensated by insurance or other means.
 - d. "Medical expenses" has the same meaning as it has for state income tax purposes, except that for transportation for medical care the person may use the standard mileage rate allowed for state officer and employee use of a motor vehicle under section 54-06-09.
 - e. "Permanently and totally disabled" means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than twelve months as established by a certificate from a licensed physician.

SECTION 2. Section 57-15-01.2 of the North Dakota Century Code is created and enacted as follows:

57-15-01.2. Limitation on levies by taxing districts.

1. Notwithstanding that a taxing district may have unused or excess levy authority under any other provision of law, this section limits that authority. This section may not be interpreted as authority to increase any levy limitation otherwise provided by law and may only be applied to limit any unused or excess levy authority that a taxing district may otherwise be entitled to use. Property taxes in dollars levied by a taxing district may not exceed by more than three and one-half percent the highest amount levied

in dollars by that taxing district against taxable property in that taxing district in the three preceding taxable years except:

- a. When an improvement to property has been made or property has been added to the taxing district which was not taxable in the previous taxable year, the additional taxable valuation attributable to the improvement or additional property is taxable without regard to the limitation under this subsection.
 - b. When a property tax exemption existed in the previous taxable year which has been reduced or no longer exists, the portion of the taxable valuation of the property which is no longer exempt is not subject to the limitation in this subsection.
 - c. When a property tax exemption exists for property that was taxable in the previous year, the amount levied in dollars in the previous taxable year by the taxing district must be reduced by the amount determined by applying the previous year's calculated mill rate for that taxing district to the previous year's taxable valuation of that property before the three and one-half percent increase allowable under this subsection is applied.
 - d. When temporary mill levy increases authorized by the electors of the taxing district or mill levies authorized by state law existed in the previous taxable year but are no longer applicable or have been reduced, the amount levied in dollars in the previous taxable year by the taxing district must be adjusted to reflect the expired temporary mill levy increases and the reduced or eliminated mill levies authorized by state law before the three and one-half percent increase allowable under this subsection is applied.
2. The limitation under subsection 1 does not apply to:
- a. New or increased mill levies authorized by state law or the electors of the taxing district which did not exist in the previous taxable year.
 - b. Any irrepealable tax to pay bonded indebtedness levied under section 16 of article X of the Constitution of North Dakota.
 - c. A county emergency fund levy under section 57-15-28 or a city emergency fund levy under section 57-15-48.
3. The mill rate applied to property that was not taxed in the previous taxable year may not exceed the mill rate determined by law for the current taxable year for property that was taxed in the previous taxable year.
4. The limitation under this section may not be superseded by a city or county under home rule authority but may be suspended within a taxing district by approval of a majority of electors of the taxing district voting on the question at a regular or special election of the taxing district."

Page 2, line 8, after "property" insert "owned and occupied by an individual as that individual's homestead" and remove "or"

Page 2, line 10, replace the underscored period with ", if the individual primarily responsible for management decisions regarding that property has an ownership interest of at least twenty percent in that property and owns and occupies residential property or a mobile home in this state as that person's homestead;

- (3) Ten percent of mobile home taxes in dollars levied against residential mobile homes under chapter 57-55 if the mobile home is owned and occupied by an individual as that individual's homestead; or
- (4) Five percent of mobile home taxes in dollars levied against commercial mobile homes under chapter 57-55 if the individual primarily responsible for management decisions regarding that property has an ownership interest of at least twenty percent in that property and owns and occupies residential property or a mobile home in this state as that individual's homestead."

Page 2, line 16, after "owner" insert ", operator, or lessee"

Page 2, line 20, after "owner" insert ", operator, or lessee"

Page 3, line 20, after "property" insert "other than mobile homes"

Page 4, after line 2, insert:

"SECTION 6. AMENDMENT. Section 57-20-21.1 of the North Dakota Century Code is amended and reenacted as follows:

57-20-21.1. Priority for delinquent taxes. When payment is made for any real or personal property taxes or special assessments, payments must be applied first to the oldest unpaid delinquent taxes or special assessments due, if any, shown to exist upon the property for which the tax payments are made, including any penalty and interest, except payments of state-paid property tax relief credit made by the state must be applied to taxes for the year for which the state-paid property tax relief credit is granted. The discounts applicable to payment of taxes set out in section 57-20-09 do not apply to payment of taxes made on property upon which tax payments are delinquent."

Page 4, after line 22, insert:

"SECTION 8. AMENDMENT. Subsection 1 of section 57-38-30.3 of the North Dakota Century Code is amended and reenacted as follows:

1. A tax is hereby imposed for each taxable year upon income earned or received in that taxable year by every resident and nonresident individual, estate, and trust. A taxpayer computing the tax under this section is only eligible for those adjustments or credits that are specifically provided for in this section. Provided, that for purposes of this section, any person required to file a state income tax return under this chapter, but who has not computed a federal taxable income figure, shall compute a federal taxable income figure using a pro forma return in order to determine a federal taxable income figure to be used as a starting point in computing state income tax under this section. The tax for individuals is equal to North Dakota taxable income multiplied by the rates in the applicable rate schedule in subdivisions a through d corresponding to an individual's filing status used for federal income tax purposes. For an estate or trust, the schedule in subdivision e must be used for purposes of this subsection.

a. Single, other than head of household or surviving spouse.

If North Dakota taxable income is:	The tax is equal to:
Not over \$27,050 <u>\$31,850</u>	2.10%
Over \$27,050 <u>\$31,850</u> but not over \$65,550 <u>\$77,100</u>	\$668.05 <u>\$668.85</u> plus 3.92% of amount over \$27,050 <u>\$31,850</u>
Over \$65,550 <u>\$77,100</u> but not over \$136,750 <u>\$160,850</u>	\$2,077.25 <u>\$2,442.65</u> plus 4.34% of amount over \$65,550 <u>\$77,100</u>
Over \$136,750 <u>\$160,850</u> but not over \$297,350 <u>\$349,700</u>	\$5,167.33 <u>\$6,077.40</u> plus 5.04% of amount over \$136,750 <u>\$160,850</u>
Over \$297,350 <u>\$349,700</u>	\$13,261.57 <u>\$15,595.44</u> plus 5.54% of amount over \$297,350 <u>\$349,700</u>

b. Married filing jointly and surviving spouse.

If North Dakota taxable income is:	The tax is equal to:
Not over \$45,200 <u>\$63,700</u>	2.10%
Over \$45,200 <u>\$63,700</u> but not over \$109,250 <u>\$154,200</u>	\$949.20 <u>\$1,337.70</u> plus 3.92% of amount over \$45,200 <u>\$63,700</u>
Over \$109,250 <u>\$154,200</u> but not over \$166,500 <u>\$321,700</u>	\$3,459.96 <u>\$4,885.30</u> plus 4.34% of amount over \$109,250 <u>\$154,200</u>
Over \$166,500 <u>\$321,700</u> but not over \$297,350 <u>\$699,400</u>	\$5,944.64 <u>\$12,154.80</u> plus 5.04% of amount over \$166,500 <u>\$321,700</u>
Over \$297,350 <u>\$699,400</u>	\$12,539.45 <u>\$31,190.88</u> plus 5.54% of amount over \$297,350 <u>\$699,400</u>

c. Married filing separately.

If North Dakota taxable income is:	The tax is equal to:
Not over \$22,600 <u>\$31,850</u>	2.10%
Over \$22,600 <u>\$31,850</u> but not over	\$474.60 <u>\$668.85</u> plus 3.92% of amount

\$54,625 <u>\$77,100</u>	over \$22,600 <u>\$31,850</u>
Over \$54,625 <u>\$77,100</u> but not over	\$1,729.98 <u>\$2,442.65</u> plus 4.34% of amount
\$83,250 <u>\$160,850</u>	over \$54,625 <u>\$77,100</u>
Over \$83,250 <u>\$160,850</u> but not over	\$2,972.34 <u>\$6,077.40</u> plus 5.04% of amount
\$148,675 <u>\$349,700</u>	over \$83,250 <u>\$160,850</u>
Over \$148,675 <u>\$349,700</u>	\$6,269.73 <u>\$15,595.44</u> plus 5.54% of amount
	over \$148,675 <u>\$349,700</u>

d. Head of household.

If North Dakota taxable income is:	The tax is equal to:
Not over \$36,250 <u>\$42,650</u>	2.10%
Over \$36,250 <u>\$42,650</u> but not over	\$761.25 <u>\$895.65</u> plus 3.92% of amount
\$93,650 <u>\$110,100</u>	over \$36,250 <u>\$42,650</u>
Over \$93,650 <u>\$110,100</u> but not over	\$3,041.33 <u>\$3,539.69</u> plus 4.34% of amount
\$151,650 <u>\$178,350</u>	over \$93,650 <u>\$110,100</u>
Over \$151,650 <u>\$178,350</u> but not	\$5,528.53 <u>\$6,501.74</u> plus 5.04% of amount
over \$297,350 <u>\$349,700</u>	over \$151,650 <u>\$178,350</u>
Over \$297,350 <u>\$349,700</u>	\$12,871.84 <u>\$15,137.78</u> plus 5.54% of amount
	over \$297,350 <u>\$349,700</u>

e. Estates and trusts.

If North Dakota taxable income is:	The tax is equal to:
Not over \$1,800 <u>\$2,150</u>	2.10%
Over \$1,800 <u>\$2,150</u> but not over	\$37.80 <u>\$45.15</u> plus 3.92% of amount
\$4,250 <u>\$5,000</u>	over \$1,800 <u>\$2,150</u>
Over \$4,250 <u>\$5,000</u> but not over	\$133.84 <u>\$156.87</u> plus 4.34% of amount
\$6,500 <u>\$7,650</u>	over \$4,250 <u>\$5,000</u>
Over \$6,500 <u>\$7,650</u> but not over	\$231.49 <u>\$271.88</u> plus 5.04% of amount
\$8,900 <u>\$10,450</u>	over \$6,500 <u>\$7,650</u>
Over \$8,900 <u>\$10,450</u>	\$352.45 <u>\$413.00</u> plus 5.54% of amount
	over \$8,900 <u>\$10,450</u>

f. For an individual who is not a resident of this state for the entire year, or for a nonresident estate or trust, the tax is equal to the tax otherwise computed under this subsection multiplied by a fraction in which:

- (1) The numerator is the federal adjusted gross income allocable and apportionable to this state; and
- (2) The denominator is the federal adjusted gross income from all sources reduced by the net income from the amounts specified in subdivisions a and b of subsection 2.

In the case of married individuals filing a joint return, if one spouse is a resident of this state for the entire year and the other spouse is a nonresident for part or all of the tax year, the tax on the joint return must be computed under this subdivision.

g. For taxable years beginning after December 31, ~~2004~~2007, the tax commissioner shall prescribe new rate schedules that apply in lieu of the schedules set forth in subdivisions a through e. The new schedules must be determined by increasing the minimum and maximum dollar amounts for each income bracket for which a tax is imposed by the cost-of-living adjustment for the taxable year as determined by the secretary of the United States treasury for purposes of section 1(f) of the United States Internal Revenue Code of 1954, as amended. For this purpose, the rate applicable to each income bracket may not be changed, and the manner of applying the cost-of-living adjustment must be the same as that used for adjusting the income brackets for federal income tax purposes."

Page 4, line 26, replace "2" with "4"

Page 4, line 29, after "2006" insert ", for ad valorem property taxes and for taxable years beginning after December 31, 2007, for mobile home taxes. Section 8 of this Act is effective for taxable years beginning after December 31, 2006"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1064, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1064 was placed on the Sixth order on the calendar.

Page 1, replace lines 17 through 19 with:

- "1. For paying expenses necessary to inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited, pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of the property.
2. For paying overtime compensation incurred as a result of investigations or violations of any state criminal law or law relating to the control of drug abuse.
3. For purchasing equipment related to criminal interdiction.
4. For paying matching funds required as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation or apprehension of persons violating the provisions of chapter 19-03.1."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1088: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1088 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "amend and reenact section 6-09-15 of the North Dakota Century Code,"

Page 1, remove line 2

Page 1, line 3, remove "permanent; and to"

Page 1, line 4, remove "; and to provide an effective"

Page 1, line 5, remove "date"

Page 1, remove lines 7 through 23

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 6

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1106: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1106 was placed on the Sixth order on the calendar.

Page 1, line 1, after "54-03-20" insert "and subsection 1 of section 54-35-10"

Page 1, line 3, after "assembly" insert "; and to provide an effective date"

Page 1, line 8, replace "thirty" with "forty"

Page 1, after line 11, insert:

"SECTION 2. AMENDMENT. Subsection 1 of section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

1. The members of the council and the members of any committee of the council are entitled to be compensated for the time spent in attendance at sessions of the council and of its committees at the rate of one hundred twenty-five dollars per day and must also be paid for expenses incurred in attending said meetings and in the performance of their official duties in the amounts provided by law for other state officers.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective December 1, 2008."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1107: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1107 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "forty-two" and overstrike "and one-half" and insert immediately thereafter "forty-five"

Page 1, line 14, overstrike "seventy" and insert immediately thereafter "seventy-eight"

Page 2, line 14, remove "forty-two" and overstrike "and one-half" and insert immediately thereafter "forty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1130: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1130 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "~~If the contractor believes the~~"

Page 1, remove the overstrike over lines 9 through 13

Page 1, line 14, remove the overstrike over "~~compensation.~~" and remove "Any time a claim will be made for additional compensation for work performed"

Page 1, remove lines 15 through 19

Page 1, line 20, remove "compensation will be as provided for in the specifications for force account work."

Page 2, line 3, remove ", and this waiver must be strictly enforced and not excused on grounds of claimed"

Page 2, remove lines 4 through 6

Page 2, line 7, remove "may not take place"

Page 2, line 11, remove the overstrike over "~~personally or on behalf of another person or entity~~" and remove "including any claims for work subcontracted"

Page 2, remove line 12

Page 2, line 13, remove "upon the department"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1147: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1147 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 47-16-06 and 47-16-15 of the North Dakota Century Code, relating to the notice of termination of residential leases.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 47-16-06 of the North Dakota Century Code is amended and reenacted as follows:

47-16-06. When a lease is presumed renewed. If a lessee of real property remains in possession ~~thereof of the real property~~ after the expiration of the ~~hiring lease~~ and the lessor accepts rent from the lessee, the parties are presumed to have renewed the ~~hiring lease~~ on the same terms and for the same time, not exceeding one year. Except in the case of a lease with an automatic renewal clause, if a lessee of real property for residential purposes remains in possession of the property after the expiration of the lease and the lessor accepts rent from the lessee, the parties are presumed to have renewed the lease as a month-to-month tenancy.

SECTION 2. AMENDMENT. Section 47-16-15 of the North Dakota Century Code is amended and reenacted as follows:

47-16-15. Notice of termination of lease.

1. A ~~hiring lease~~ of real property for a term not specified by the parties is deemed to be renewed as stated in section 47-16-06 at the end of the term implied by law, unless one of the parties gives notice to the other of an intention to terminate the lease, at least as long before the expiration of the lease as the term of the hiring itself, not exceeding ~~thirty days~~ one calendar month.
2. In tenancies from month to month, and unless the parties have otherwise agreed in writing to a longer notice period or a different notice time, either party may terminate the tenancy by giving at least ~~thirty days'~~ one calendar month's written notice at any time. The rent is due and payable to and including the date of termination.
3. If a landlord changes the terms of the lease pursuant to section 47-16-07, the tenant may terminate the lease at the end of the month by giving at least twenty-five days' notice.
4. Any agreement that requires a lessee to give notice that exceeds one month from the end of a month to terminate a lease of real property for residential purposes must state the notice requirement and provide space for the lessee to initial next to the notice requirement. If the notice is not initialed by the lessee at the time of executing the lease, the lessee may terminate the lease on the last day of a month with at least one calendar month's notice.
5. Notwithstanding any agreement to the contrary, if a lease converts to a month-to-month tenancy under section 47-16-06 or 47-16-06.1, either party may terminate the lease on the last day of a month with at least one calendar month's notice."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1196: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1196 was placed on the Sixth order on the calendar.

Page 1, line 9, after the underscored period insert "The minor may assert as an affirmative defense that the violation was made for the sole purpose of obtaining emergency assistance to prevent a crime about to be committed or in a reasonable belief that an individual's life or safety was in danger."

Page 1, line 24, replace "4" with "2"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1233: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1233 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 1 of section 57-33-04 and"

Page 1, remove lines 5 through 19

Page 3, line 14, after the first "the" insert "unused", after "be" insert "sold," and after "assigned" insert ", or otherwise transferred by the taxpayer to the tax credit transferor"

Page 3, line 15, after "purchaser" insert "of the power generated by the device" and after "agreement" insert ", or to any North Dakota taxpayer engaged in the sale of electricity at retail to customers or members."

Page 3, line 17, replace "or subsection 1 of section 57-33-04" with "beginning with the tax year in which the power purchase agreement was fully executed by the parties and the geothermal, solar, or wind energy device is installed"

Page 3, after line 17, insert:

- "a. A purchaser of the tax credit must claim the credit beginning with the tax year in which the purchase agreement is fully executed by the parties and the geothermal, solar, or wind energy device is installed. A purchaser of a tax credit under this section has only the right to claim and use the credit under the terms that would have applied to the tax credit transferor. This subsection does not limit the ability of the tax credit purchaser to reduce the tax liability of the purchaser, regardless of the actual tax liability of the tax credit transferor.
- b. The original purchaser of the tax credit may not sell, assign, or otherwise transfer the credit purchased under the purchase agreement.
- c. If the taxpayer elects to sell, assign, or otherwise transfer an excess credit under this subsection, the tax credit transferor and the tax credit purchaser shall file jointly with the tax commissioner a copy of the purchase agreement affecting the tax credit transfer and a statement containing the name, address, and taxpayer identification number of any party to the transfer; the total installed cost of the qualifying geothermal, solar, or wind energy device; the amount of the credit being transferred; the gross proceeds received by the transferor; and the tax year for which the credit may be claimed. If the tax credit is sold, assigned, or transferred via a power purchase agreement, the power purchase agreement must state clearly the purchase price associated with the tax credit sold. The taxpayer and the purchaser also shall file a document allowing the tax commissioner to disclose tax information to either party for the purpose of verifying the correctness of the transferred tax credit. The purchase agreement, supporting statement, and confidentiality waiver must be filed within thirty days after the date the purchase agreement is fully executed. The tax commissioner may audit the returns and assess or issue refunds, notwithstanding any other time limitation prescribed under law may have expired for the purchaser.
- d. If the amount of the credit available under this section is changed as a result of an amended return filed by the transferor or as the result of an audit conducted by the internal revenue service or the tax commissioner, the transferor shall report to the purchaser the adjusted

credit amount within thirty days of the amended return or within thirty days of the final determination made by the internal revenue service or the tax commissioner. The tax credit purchaser shall file amended returns reporting the additional tax due or claiming a refund as provided in section 57-38-38 or 57-38-40.

- e. Gross proceeds received under the purchase agreement by the tax credit transferor for the sale, assignment, or transfer of the tax credit must be allocated to North Dakota. The amount assigned under this subsection may not be reduced by the taxpayer's income apportioned to North Dakota or any North Dakota net operating loss of the taxpayer.
- f. Within four years after the date of the credit assignment, the tax commissioner may audit the returns of the credit transferor and the purchaser to verify the correctness of the amount of the transferred credit and, if necessary, assess the credit purchaser if additional tax is found due. This subdivision does not limit or restrict any other time period prescribed in this chapter for the assessment of tax.
- g. The tax commissioner may adopt rules to permit verification of the validity and timeliness of the transferred tax credit."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1238: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1238 was placed on the Sixth order on the calendar.

Page 2, line 17, remove the overstrike over "~~acted in self defense as defined in section 12.1-05-03. If self defense is not~~"

Page 2, remove the overstrike over line 18

Page 2, line 19, remove the overstrike over "~~investigation, the officer~~", after "determine" insert "shall consider", and remove the overstrike over "~~which party~~"

Page 2, line 21, after "involved" insert ", any history of domestic violence, or any other violent acts that the officer can reasonably ascertain"

Page 2, line 22, remove ", the existence of corroborating evidence, the party"

Page 2, remove lines 23 through 28

Page 2, line 29, remove "response for a party who was not the predominant aggressor"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1245: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1245 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "rebates" with "incentives or discounts"

Page 1, line 9, replace "rebate paid or payable to the" with "incentive or discount that reduces the total cost of a motor vehicle to a"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1254: Transportation Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1254 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1260: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1260 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1281: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1281 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1340: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1340 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "public" with "publicly traded"

Page 1, line 7, replace "Public" with "Publicly Traded"

Page 1, line 19, replace "public" with "publicly traded"

Page 2, line 28, replace "public" with "publicly traded"

Page 3, line 1, replace ""Public" with ""Publicly traded"

Page 3, line 3, replace "is incorporated" with "becomes governed by chapter 10-19.1"

Page 3, line 5, replace ""Public" with ""Publicly traded"

Page 3, after line 6, insert:

"8. "Qualified shareholder" means a person or group of persons acting together that satisfies the following requirements:

a. The person or group owns beneficially in the aggregate more than five percent of the outstanding shares of the publicly traded corporation that are entitled to vote generally for the election of directors; and

b. The person or each member of the group has beneficially owned the shares that are used for purposes of determining the ownership threshold in subdivision a continuously for at least two years."

Page 3, line 7, replace "8." with "9."

Page 3, line 8, after the first "the" insert "publicly traded"

Page 3, line 16, after "applies" insert "only", replace "every public" with "a publicly traded", and after "corporation" insert "meeting the definition of a "publicly traded corporation" in section 10-35-02 during such time as its articles state that it is governed by this chapter"

Page 3, line 19, replace "public" with "publicly traded"

Page 3, line 20, replace "public" with "publicly traded"

Page 3, line 21, replace "public" with "publicly traded"

Page 3, line 25, replace "public" with "publicly traded"

Page 3, line 28, replace "public" with "publicly traded"

Page 4, line 1, replace "public" with "publicly traded"

Page 4, line 6, replace "public" with "publicly traded"

Page 4, line 8, replace "public" with "publicly traded"

Page 4, line 12, replace "public" with "publicly traded"

Page 4, line 14, replace "public" with "publicly traded"

Page 4, line 16, replace "public" with "publicly traded"

Page 4, line 22, replace "public" with "publicly traded"

Page 4, line 27, replace "public" with "publicly traded"

Page 5, line 1, replace "public" with "publicly traded"

Page 5, line 10, replace "The date" with "Any deadline"

Page 5, line 17, remove ", the later of:"

Page 5, remove lines 18 through 22

Page 5, line 23, replace "(2) Ninety" with "ninety"

Page 5, line 27, replace "public" with "publicly traded"

Page 6, line 4, replace "public" with "publicly traded"

Page 6, line 11, replace "public" with "publicly traded"

Page 6, line 13, replace "shareholder" with "person" and remove the fourth "of"

Page 6, line 14, remove "shareholders"

Page 6, line 15, replace "shareholder" with "person" and remove "of shareholders"

Page 6, line 16, replace "3" with "8 of section 10-35-02 and reasonable evidence of the required ownership of shares by the person or group"

Page 6, line 17, replace "shareholder" with "person" and remove "of shareholders"

Page 6, line 30, replace "\"Qualified shareholder\" means a person or group of persons acting together that" with "If the qualified shareholder does not own at least five percent of the outstanding shares of the publicly traded corporation entitled to vote generally for the election of directors on the date of the meeting, the qualified shareholder is not entitled to nominate the candidates named in the notice provided under subsection 1."

Page 6, remove line 31

Page 7, remove lines 1 through 11

Page 7, line 13, replace "public" with "publicly traded"

Page 7, line 18, replace "public" with "publicly traded"

Page 8, line 21, replace "public" with "publicly traded"

Page 8, line 25, after "shareholders" insert "of a publicly traded corporation"

Page 9, line 2, replace "public" with "publicly traded"

Page 9, line 13, replace "Director supermajority" with "Supermajority"

Page 9, line 14, replace "public" with "publicly traded", remove the first "for", remove "greater", and replace the second "for" with ";"

1. For"

Page 9, line 15, after the second "board" insert "that is greater"

Page 9, line 16, after "vacancies" insert "; or

2. For shareholders that is greater than a majority of the voting power of the shares entitled to vote on the item of business or, in the case of a class or series entitled to vote as a separate group, a majority of the voting power of the outstanding shares of the class or series"

Page 9, line 19, replace "public" with "publicly traded"

Page 9, line 23, replace "public" with "publicly traded"

Page 9, line 27, replace "public" with "publicly traded"

Page 10, line 1, replace "public" with "publicly traded"

Page 10, line 5, replace "public" with "publicly traded"

Page 10, line 12, replace "public" with "publicly traded"

Page 10, line 17, replace "public" with "publicly traded"

Page 10, line 22, replace "public" with "publicly traded"

Page 11, line 5, replace "The date" with "Any deadline"

Page 11, line 12, remove ", the later of:"

Page 11, remove lines 13 through 17

Page 11, line 18, replace "(2) Ninety" with "ninety"

Page 11, line 22, replace "public" with "publicly traded"

Page 11, line 28, replace "public" with "publicly traded"

Page 12, line 1, replace "public" with "publicly traded"

Page 12, line 7, after "shareholders" insert "and reasonable evidence of that ownership"

Page 12, line 9, replace "public" with "publicly traded"

Page 12, line 14, replace "Quorum at" with "Requirements for convening" and after the boldfaced underscored period insert:

"1. If the articles or bylaws of a publicly traded corporation have a provision for advance notice authorized by section 10-35-07 or 10-35-14, a regular meeting of shareholders of the corporation may not be convened unless the corporation has announced the date of the meeting in the body of a public filing, and not solely in an exhibit or attachment to a filing, regardless of whether the exhibit or attachment has been incorporated by reference into the body of the filing, with the commission under the Exchange Act at least twenty-five days before the deadline in the articles or bylaws for a shareholder to give the advance notice."

Page 12, line 15, replace "1." with "2." and replace "public" with "publicly traded"

Page 12, line 17, remove "for"

Page 12, line 18, remove "purposes of section 10-19.1-76"

Page 12, line 19, after "meeting" insert "for purposes of determining the existence of a quorum under section 10-19.1-76"

Page 12, line 20, remove "2."

Page 12, line 22, replace "section" with "subsection"

Page 12, line 23, replace "Shareholder supermajority provisions prohibited. Neither the articles nor" with:

"Approval of certain issuances of shares.

1. An issuance by a publicly traded corporation of shares, or other securities convertible into or rights exercisable for shares, in a transaction or a series of integrated transactions, requires approval of the shareholders if the voting power of the shares that are issued or issuable as a result of the transaction or series of integrated transactions will exceed twenty percent

of the voting power of the shares of the corporation which were outstanding immediately before the transaction.

2. Subsection 1 does not apply to:
 - a. A public offering solely for cash, cash equivalents or a combination of cash and cash equivalents; or
 - b. A bona fide private financing, solely for cash, cash equivalents or a combination of cash and cash equivalents, of:
 - (1) Shares at a price equal to at least the greater of the book or market value of the corporation's common shares; or
 - (2) Other securities or rights if the conversion or exercise price is equal to at least the greater of the book or market value of the corporation's common shares.
3. For purposes of this section:
 - a. The voting power of shares issued and issuable as a result of a transaction or series of integrated transactions shall be the greater of:
 - (1) The voting power of the shares to be issued; or
 - (2) The voting power of the shares that would be outstanding after giving effect to the conversion of convertible shares and other securities and the exercise of rights to be issued.
 - b. A series of transactions is integrated if consummation of one transaction is made contingent on consummation of one or more of the other transactions.
 - c. "Bona fide private financing" means a sale in which:
 - (1) A registered broker-dealer purchases the shares, other securities, or rights from the publicly traded corporation with a view to their private sale to one or more purchasers; or
 - (2) The corporation sells the shares, other securities, or rights to multiple purchasers, and no one purchaser or group of related purchasers acquires, or has the right to acquire, more than five percent of the voting power of shares issued or issuable in the transaction or series of integrated transactions."

Page 12, remove lines 24 through 27

Page 12, line 29, replace "public" with "publicly traded"

Page 13, line 1, replace "public" with "publicly traded"

Page 13, line 4, replace "meting" with "meeting"

Page 13, line 24, replace "public" with "publicly traded"

Page 13, line 28, replace "public" with "publicly traded"

Page 13, line 30, replace "public" with "publicly traded"

Page 14, line 2, replace "public" with "publicly traded"

Page 14, line 13, replace "public" with "publicly traded"

Page 14, line 21, replace "public" with "publicly traded"

Page 15, line 4, replace "public" with "publicly traded"

Page 15, line 10, replace "public" with "publicly traded"

Page 15, line 13, replace "twenty-five" with "twenty"

- Page 15, line 24, replace "prohibition" with "restrictions or prohibitions" and remove "adoption of"
- Page 15, line 25, replace "The" with "A provision of the" and replace "public" with "publicly traded"
- Page 15, line 26, after the underscored period insert "Such a provision may provide for the effect it has on a poison pill in force at the time of the provision's adoption."
- Page 15, line 28, replace "public" with "publicly traded"
- Page 16, line 4, replace "public" with "publicly traded"
- Page 16, line 14, replace "corporations" with "corporation"
- Page 16, line 23, replace "corporations" with "corporation"
- Page 17, line 24, replace "that" with ":
- (1) If the shares"
- Page 17, line 26, after "pill" insert "; or
- (2) Which serves to protect dividend, interest, sinking fund, conversion, exchange, or other rights of the shares, or to protect against the issuance of additional securities that would be on a parity with or superior to the shares"
- Page 17, line 30, replace "public" with "publicly traded"
- Page 18, line 2, replace "public" with "publicly traded"
- Page 18, line 4, replace "10-25-29" with "10-35-29"
- Page 18, line 5, replace "public" with "publicly traded"
- Page 18, line 6, replace "public" with "publicly traded"
- Page 18, line 7, replace "public" with "publicly traded"
- Page 18, line 8, replace "public" with "publicly traded"
- Page 18, line 9, replace "public" with "publicly traded"
- Page 18, line 10, replace "public" with "publicly traded"
- Page 18, line 13, replace "public" with "publicly traded"
- Page 18, line 18, replace "public" with "publicly traded"
- Page 18, line 20, replace "public" with "publicly traded"
- Page 18, line 25, replace "public" with "publicly traded"
- Page 18, line 26, replace "public" with "publicly traded"
- Page 18, line 27, replace the first "public" with "publicly traded" and replace the second "public" with "publicly traded"
- Page 18, line 28, replace "public" with "publicly traded"
- Page 18, line 30, replace "public" with "publicly traded"
- Page 19, line 1, replace "public" with "publicly traded"
- Page 19, line 3, replace "public" with "publicly traded"
- Page 19, line 5, replace "public" with "publicly traded"

Page 19, line 6, replace "public" with "publicly traded"

Page 19, line 12, replace "public" with "publicly traded"

Page 19, line 16, replace "public" with "publicly traded"

Page 19, line 18, replace "public" with "publicly traded"

Page 19, line 19, replace "public" with "publicly traded"

Page 19, line 20, replace "public" with "publicly traded"

Page 19, line 21, replace "public" with "publicly traded"

Page 19, line 23, replace "public" with "publicly traded"

Page 19, line 26, replace "public" with "publicly traded"

Page 20, line 4, replace "public" with "publicly traded"

Page 20, line 7, replace "public" with "publicly traded"

Page 20, line 10, replace "public" with "publicly traded"

Page 20, line 18, replace "public" with "publicly traded"

Page 20, line 19, replace the first "public" with "publicly traded" and replace the second "public" with "publicly traded"

Page 20, line 21, replace "public" with "publicly traded"

Page 20, line 25, replace "public" with "publicly traded"

Page 20, line 29, replace "public" with "publicly traded"

Page 20, line 30, replace "public" with "publicly traded"

Page 21, line 3, replace "public" with "publicly traded"

Page 21, line 4, replace "public" with "publicly traded"

Page 21, line 7, replace the first "public" with "publicly traded" and replace the second "public" with "publicly traded"

Page 21, line 12, replace "public" with "publicly traded"

Page 21, line 13, replace "public" with "publicly traded"

Page 21, line 16, replace the first "public" with "publicly traded" and replace the second "public" with "publicly traded"

Page 21, line 19, replace "public" with "publicly traded"

Page 21, line 21, replace "free" with "fee"

Page 22, line 1, replace "public" with "publicly traded"

Page 22, line 3, replace "public" with "publicly traded"

Page 22, line 4, replace "public" with "publicly traded"

Page 22, line 6, replace "must" with "may"

Page 22, line 11, replace "public" with "publicly traded"

Page 22, line 12, replace "public" with "publicly traded"

Page 22, line 17, replace the first "and" with "any"

Page 22, line 19, replace "public" with "publicly traded"

Page 23, line 1, replace "public" with "publicly traded"

Page 23, line 9, replace "public" with "publicly traded"

Page 23, line 10, replace "public" with "publicly traded"

Page 23, line 13, replace "public" with "publicly traded"

Page 23, line 18, replace "public" with "publicly traded"

Page 23, line 20, replace "and" with "any"

Page 23, line 21, replace "public" with "publicly traded"

Page 23, line 23, replace "public" with "publicly traded"

Page 23, line 31, replace "public" with "publicly traded"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1352: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1352 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "corn", overstrike "potatoes", remove the second underscored comma, and overstrike "or"

Page 1, line 8, overstrike "sugar beets" and insert immediately thereafter "plant crops"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1363: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1363 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1385: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HB 1385 was placed on the Sixth order on the calendar.

Page 1, line 3, after "training" insert "; and to provide an appropriation"

Page 2, line 3, replace "may include" with "includes", replace the first underscored semicolon with "and", and replace "; communication skills, including" with ". Soft skill training for supervisors and management staff is authorized and includes communication, teamwork, and supervisory skills."

Page 2, remove lines 4 and 5

Page 2, after line 17, insert:

"SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to job service North Dakota for the purpose of developing a skills training program under section 1 of this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1388: Transportation Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1388 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1389: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1389 was placed on the Sixth order on the calendar.

Page 1, line 2, after "fireworks" insert "; to provide an effective date; and to declare an emergency"

Page 2, after line 27, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on May 1, 2007.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1393: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1393 was placed on the Sixth order on the calendar.

Page 2, line 3, after "acquired" insert "at any location" and remove "the boundaries of any reservation in"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1398: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1398 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "Passenger motor" and insert immediately thereafter "Motor", overstrike ", house cars, or pickup trucks", remove the overstrike over "~~not exceeding~~", and after "~~ten~~" insert "twenty-six"

Page 1, line 8, remove the overstrike over "~~thousand pounds~~", after "4535.92" insert "11793.40", and remove the overstrike over "~~kilograms~~ gross weight"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1402: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1402 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "certain" with "a" and replace "organizations" with "organization"

Page 1, line 16, replace "an" with "one", replace the first underscored comma with "and", and remove ", one elk license, and one moose"

Page 1, line 17, remove the first "license"

Page 2, line 2, replace the second "child" with "individual", replace "fourteen years of" with "of legal", and after "age" insert "to hunt the species for which the license is valid"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1406: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1406 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1414: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1414 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1421: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1421 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact two new sections to chapter 36-21.1 of the North Dakota Century Code, relating to agricultural and game and fish activities; and to", replace "section" with "sections", and after "36-21.1-01" insert "and 36-21.1-02"

Page 1, line 13, after "2." insert:

"Adequate care" means normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter, and health care, as necessary to maintain good health in a specific species of animal.

3."

Page 1, line 14, overstrike "3." and insert immediately thereafter "4."

Page 1, line 15, overstrike "4." and insert immediately thereafter "5."

Page 1, line 16, remove "The"

Page 1, remove lines 17 through 19

Page 1, line 20, overstrike "5." and insert immediately thereafter "6."

Page 1, after line 21, insert:

"SECTION 2. AMENDMENT. Section 36-21.1-02 of the North Dakota Century Code is amended and reenacted as follows:

36-21.1-02. Overworking, mistreating, or abandoning animals.

1. No person may overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injure, maim, mutilate, or kill any animal, or cruelly work any animal when unfit for labor.
2. No person may deprive any animal over which the person has charge or control of necessary food, water, or shelter.
3. No person may keep any animal in any ~~enclosure~~ building, room, cage, or pen without ~~exercise and wholesome change of air~~ adequate care.
4. No person may abandon any animal.
5. A person shall reclaim an animal within forty-eight hours of the agreed-upon time for termination of a boarding contract and pay all charges for boarding the animal.
6. No person may allow any maimed, sick, infirm, or disabled animal of which the person is the owner, or of which the person has custody, to lie in any street, road, or other public place for more than three hours after notice.
7. No person may willfully instigate, or in any way further, any act of cruelty to any animal or animals, or any act tending to produce such cruelty.
8. No person may cage any animal for public display purposes unless the display cage is constructed of solid material on three sides to protect the caged animal from the elements, and unless the horizontal dimension of each side of the cage is at least four times the length of the caged animal. This subsection does not apply to the North Dakota state fair association, to agricultural fair associations, to any agricultural display of caged animals by any political subdivision, or to district, regional, or national educational

livestock or poultry exhibitions. Zoos which have been approved by the health district or the governing body of the political subdivision which has jurisdiction over the zoos are exempt from this subsection.

SECTION 3. A new section to chapter 36-21.1 of the North Dakota Century Code is created and enacted as follows:

Animal husbandry - Agricultural management. The usual and customary practices of animal husbandry and the usual and customary practices of a science-based agricultural management system do not constitute cruelty, torture, or the inhumane treatment of animals and a person who engages in these usual and customary practices is not in violation of this chapter.

SECTION 4. A new section to chapter 36-21.1 of the North Dakota Century Code is created and enacted as follows:

Game and fish activities. Any lawful activity under title 20.1 does not constitute cruelty, torture, or the inhumane treatment of animals and a person who engages in the lawful activity is not in violation of this chapter."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1424: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). HB 1424 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "limited to an employer that is within the rate" with "available to any out-of-state employer for which employment in this state"

Page 1, line 10, remove "classification of building construction or concrete work, for which employment"

Page 1, line 17, after the underscored period insert "The organization may require the employer to provide any information regarding the North Dakota resident employees hired."

Page 1, line 18, after the underscored comma insert "may conduct audits as necessary."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1468: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1468 was placed on the Sixth order on the calendar.

Page 2, line 22, after the underscored period insert "Actual notice of the opportunity for a hearing under this section is deemed to have occurred seventy-two hours after the notice is mailed by regular mail to the address submitted by the person to the law enforcement officer."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1475: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1475 was placed on the Sixth order on the calendar.

Page 1, line 15, after the first "than" insert "one thousand", replace the underscored comma with "and", and after the second "than" insert "one thousand"

Page 1, line 16, replace the first "one" with "three" and remove ", and one city with a population of more than"

Page 1, line 17, remove "one thousand five hundred and not more than three thousand"

Page 2, line 11, after the underscored period insert "The department may charge a fee for the services provided to the community. This fee may not exceed twenty-five percent of the value of the services offered."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1483: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1483 was placed on the Sixth order on the calendar.

Page 1, line 2, after "products" insert "; to provide an effective date; and to declare an emergency"

Page 1, line 7, after the boldfaced period insert:

"1."

Page 1, line 11, replace "1." with "a."

Page 1, line 16, replace "2." with "b."

Page 1, line 18, replace "3." with "c.", replace "must" with "should", and after the underscored period insert:

"2."

Page 1, after line 20, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on July 1, 2008.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1484: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HB 1484 was placed on the Sixth order on the calendar.

Page 1, line 10, after "employment" insert "or is self-employed"

Page 1, line 14, after "2." insert "An application for a rebate may be made during the first year of suitable employment with payment being made upon completion of each full year of employment."

"3."

Page 1, line 20, replace "3." with "4."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1513: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1513 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "loan" with "grant" and remove "; and to provide"

Page 1, line 3, remove "an appropriation"

Page 1, line 7, replace "loan" with "grant" and replace "shall" with "may"

Page 1, line 8, replace "loan" with "grant"

Page 1, line 9, replace "loans against future municipal, rural, and" with "grants"

Page 1, line 10, remove "industrial water supply funds"

Page 1, remove lines 18 through 22

Re-number accordingly

REPORT OF STANDING COMMITTEE

HCR 3008: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3008 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3012: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3012 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3013: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3013 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3031: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3031 was placed on the Tenth order on the calendar.

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

Buell J. Reich, Chief Clerk

