

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

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Bismarck, March 22, 2005

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

The prayer was offered by Pastor Sammy Allen, Faith Center Church of God of Prophecy, Bismarck.

The roll was called and all members were present except Representatives Brusegaard, DeKrey, and Iverson.

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 fifty first Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1208, line 48 replace "lost" with "passed"

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

SIXTH ORDER OF BUSINESS

SPEAKER KLEIN DEEMED approval of HB 1524 SB 2026, SB 2096, SB 2118, SB 2200, SB 2204, SB 2208, SB 2227, SB 2301, SB 2336 and SB 2395.

SB 2301 and SB 2395, as amended, were rereferred to the **Appropriations Committee**.

HB 1524, as amended, was placed on the Eleventh order of business on the calendar.

SB 2026, SB 2096, SB 2118, SB 2200, SB 2204, SB 2208, SB 2227 and SB 2336, as amended, were placed on the Fourteenth order of business on the calendar.

SIXTH ORDER OF BUSINESS

SB 2361: REP. DIETRICH (Political Subdivisions Committee) MOVED that the amendments on HJ pages 1224-1225 be adopted with **DO PASS**, which motion prevailed on a verification vote.

MOTION

REP. MONSON MOVED that the rules be suspended and that SB 2361, as amended, be placed on the Fourteenth order for immediate second reading, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2361: A BILL for an Act to amend and reenact section 14-03-22 of the North Dakota Century Code, relating to marriage license fees.

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 57 YEAS, 35 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Bernstein; Boehning; Boucher; Carlisle; Clark; Conrad; DeKrey; Delmore; Devlin; Dietrich; Ekstrom; Froseth; Glassheim; Guleson; Haas; Hawken; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pollert; Potter; Price; Sandvig; Schmidt; Solberg; Uglem; Vigesaa; Wall; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Bellew; Belter; Boe; Brandenburg; Carlson; Charging; Damschen; Delzer; Dosch; Drovdal; Froelich; Galvin; Grande; Hanson; Headland; Horter; Kasper; Kempenich; Kerzman; Koppelman; Meier, L.; Pietsch; Porter; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Thoreson; Thorpe; Timm; Wald; Weiler; Weisz; Wrangham

ABSENT AND NOT VOTING: Brusegaard; Iverson

Engrossed SB 2361 passed and the title was agreed to.

MOTION

REP. BERG MOVED that HB 1223 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2041: A BILL for an Act to create and enact a new subsection to section 20.1-01-02 and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to hunting on Indian land; and to amend and reenact sections 20.1-04-06 and 20.1-05-03 of the North Dakota Century Code, relating to transportation of game and fish taken on Indian lands.

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 58 YEAS, 33 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Berg; Boe; Boucher; Brandenburg; Charging; Clark; Conrad; Damschen; DeKrey; Devlin; Drovdal; Ekstrom; Froelich; Galvin; Glassheim; Grande; Guleson; Haas; Headland; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Kreidt; Kretschmar; Maragos; Martinson; Meyer, S.; Monson; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Potter; Rennerfeldt; Schmidt; Skarphol; Solberg; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Aarsvold; Bellew; Belter; Bernstein; Boehning; Carlisle; Carlson; Delmore; Delzer; Dietrich; Dosch; Froseth; Hanson; Hawken; Kaldor; Kelsch, R.; Koppelman; Kroeber; Meier, L.; Metcalf; Mueller; Pietsch; Pollert; Porter; Price; Ruby; Sandvig; Sitte; Svedjan; Timm; Weiler; Weisz; Wieland

ABSENT AND NOT VOTING: Brusegaard; Horter; Iverson

Reengrossed SB 2041 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2047: A BILL for an Act to amend and reenact sections 23-12-14, 26.1-41-01, 26.1-41-09, 26.1-41-11, and 26.1-41-12 of the North Dakota Century Code, relating to medical records and no-fault motor vehicle insurance; and to repeal section 26.1-41-17 of the North Dakota Century Code, relating to equitable allocation of losses.

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 79 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Amerman; Dietrich; Ekstrom; Glassheim; Guleson; Hunskor; Kaldor; Kelsh, S.; Potter; Schmidt; Solberg

ABSENT AND NOT VOTING: Brusegaard; Charging; Iverson

Engrossed SB 2047 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that all the Do Not Concur on the Twelfth Order be adopted, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do not concur in the Senate amendments to HB 1028 as printed on HJ page 1116 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1028: Reps. Nottestad, Froseth, Ekstrom.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do not concur in the Senate amendments to HB 1314 as printed on HJ pages 1189-1190 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1314: Reps. Ruby, Vigesaa, Ekstrom.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WEISZ MOVED that the House do not concur in the Senate amendments to HB 1342 as printed on HJ pages 1163-1164 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1342: Reps. Iverson, Vigesaa, S. Meyer.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do not concur in the Senate amendments to HB 1347 as printed on HJ page 1190 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1347: Reps. Froseth, Dosch, Thorpe.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. R. KELSCH MOVED that the House do not concur in the House amendments to SB 2078 as printed on HJ page 860 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2078: Reps. Sitte, Horter, Mueller.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2047, SB 2361.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1028, HB 1314, HB 1342, and HB 1347 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1028: Reps. Nottestad; Froseth; Ekstrom

HB 1314: Reps. Ruby; Vigesaa; Ekstrom

HB 1342: Reps. Iverson; Vigesaa; S. Meyer

HB 1347: Reps. Froseth; Dosch; Thorpe

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2078: Reps. Sitte; Horter; Mueller

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1051, HB 1161, HB 1165, HB 1186, HB 1193, HB 1211, HB 1225, HB 1383.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on March 22, 2005: HCR 3013, HCR 3019, HCR 3024, HCR 3025.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1279.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1484, HCR 3048.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1484

Page 1, line 1, after "to" insert "create and enact section 12-60-16.11 of the North Dakota Century Code, relating to obtaining criminal history record information; and to"

Page 2, after line 4, insert:

"SECTION 2. Section 12-60.16.11 of the North Dakota Century Code is created and enacted as follows:

12-60-16.16. Criminal history record information - Required action. Any person offering criminal background checks for compensation, for the purpose of screening applicants seeking a position in which the applicant is responsible for providing care for a vulnerable adult, shall utilize the bureau of criminal investigation statewide criminal history database in addition to any other compiled information. The entity shall pay any applicable fees set forth in section 12-60-16.9."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE CONCURRENT

Page 1, line 20, after "dollars" insert "increased annually by a factor of three percent"

Page 1, line 21, replace "twenty million dollars" with "that amount"

Page 1, line 23, overstrike "state general" and insert immediately thereafter "common schools trust"

Renumber accordingly

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

MR. SPEAKER: The Senate has passed unchanged: HB 1130, HB 1431, HB 1511, HB 1517.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1148, HB 1376.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1148

Page 1, line 1, after "to" insert "create and enact two new sections to Senate Bill No. 2185, as approved by the fifty-ninth legislative assembly, relating to the effective date of the medical assistance buy-in program for individuals with disabilities; to"

Page 1, line 11, replace "the" with "disabled and elderly individuals to direct their own care and to permit"

Page 1, line 12, replace "if requested by the recipient and" with an underscored period

Page 1, replace line 13 with:

"SECTION 2. Two new sections to Senate Bill No. 2185, as approved by the fifty-ninth legislative assembly, are created and enacted as follows:

SECTION 2. EFFECTIVE DATE. This Act becomes effective on July 1, 2005.

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

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1376

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

Page 2, line 12, remove ""enrollment", "

Page 2, line 13, after "terms" insert "in a manner"

Page 2, line 15, remove "Have restrictions on free access to plan providers, including waiting periods and"

Page 2, remove line 16

Page 2, line 17, remove "4." and after "services" insert ", unless the organization is an authorized third-party administrator"

Page 2, line 20, remove "the first page of"

Page 2, after line 31, insert:

"2. Any advertisements, marketing materials, or brochures relating to a discount medical plan which are transmitted to the public through the internet or television must state that the plan is not an insurance policy and that the plan provides discounts at certain health care providers for medical services."

Page 3, line 1, replace "2." with "3."

Page 3, line 21, replace "monthly" with "quarterly"

Page 4, line 9, replace "and must be responsible and financially liable for any" with a period

Page 4, remove lines 10 and 11

Page 4, line 13, replace "A" with "If a" and replace "may not solicit, market, or sell" with "solicits, markets, or sells"

Page 4, line 14, after "product" insert ", the marketer or organization shall disclose clearly and conspicuously that the plan is not insurance"

Page 4, line 17, replace "purchase" with "the member receiving written notice of cancellation rights"

Page 4, line 18, after "member" insert ", except for a nominal fee associated with the enrollment cost up to a maximum of fifty dollars"

Page 4, line 22, after "The" insert "discount" and remove "discount"

Page 4, line 23, after "ten" insert "business"

Page 4, line 24, replace ", printed in not less" with "and must include instructions for the member to cancel the plan. The instructions must be made available to the commissioner upon request."

Page 4, remove lines 25 through 31

Page 5, after line 12, insert:

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

Renumber accordingly

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2006, SB 2073, SB 2232, SB 2290, SB 2325, SB 2335, SB 2362, SB 2375, SB 2378, and SB 2393.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2266 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2266: Sens. Brown; Lyson; Warner

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1092: Sens. Hacker; Dever; Fairfield

HB 1190: Sens. Lyson; Dever; Warner

HB 1191: Sens. Lyson; Dever; Warner

HB 1200: Sens. Dever; J. Lee; Brown

HB 1205: Sens. Syverson; Hacker; Triplett

HB 1286: Sens. Trenbeath; Syverson; Nelson

HB 1402: Sens. Lyson; Traynor; Heitkamp

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Thirteenth, Fourteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, March 23, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1529, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1529 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2009, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2009 was placed on the Sixth order on the calendar.

Page 1, line 2, after "association" insert "; and to amend and reenact section 4-02.1-09 of the North Dakota Century Code, relating to compensation of state fair board members"

Page 1, line 16, replace "5,000" with "13,250"

Page 1, line 17, replace "5,000" with "13,250"

Page 1, line 19, replace "25,000" with "33,250"

Page 2, line 2, replace "396,750" with "405,000"

Page 2, line 3, replace "606,750" with "615,000"

Page 2, after line 3, insert:

"SECTION 4. AMENDMENT. Section 4-02.1-09 of the North Dakota Century Code is amended and reenacted as follows:

4-02.1-09. Vacancies and special compensation of board members. Any vacancy occurring on the board of directors must be filled by the board of directors for the unexpired term of the vacancy. ~~The board of directors may not receive any salary for their services, but, by resolution of the board, per diem payments of ten dollars and travel expenses not exceeding such amounts as allowed other state officials and employees, may be allowed for attendance at each regular or special meeting of the board or members. The board of directors has the power, in its discretion, to may contract for and to pay directors rendering unusual or exceptional services to the association, special compensation appropriate to the value of such services."~~

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2009 - State Fair Association - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Capital assets	\$210,000	\$210,000		\$210,000
Premiums	<u>380,000</u>	<u>396,750</u>	<u>\$8,250</u>	<u>405,000</u>
Total all funds	\$590,000	\$606,750	\$8,250	\$615,000
Less estimated income	_____	_____	_____	_____
General fund	\$590,000	\$606,750	\$8,250	\$615,000
FTE	0.00	0.00	0.00	0.00

Dept. 665 - State Fair Association - Detail of House Changes

	INCREASES FUNDING FOR PREMIUMS ¹	TOTAL HOUSE CHANGES
Capital assets		
Premiums	<u>\$8,250</u>	<u>\$8,250</u>
Total all funds	\$8,250	\$8,250
Less estimated income	_____	_____
General fund	\$8,250	\$8,250
FTE	0.00	0.00

¹ This amendment increases funding for premiums by \$8,250 from the general fund, from \$396,750 as provided in the Senate version to \$405,000. This level of funding represents an increase in funding of \$25,000 from the funding included in the executive budget recommendation of \$380,000. The following is a summary of the increase in funding for premiums from the 2003-05 legislative appropriation to the amount proposed in this amendment:

	2003-05 APPROPRIATION	2005-07 HOUSE VERSION	INCREASE (DECREASE)
General fund	\$371,750	\$405,000	\$33,250
Other funds	<u>20,000</u>	_____	<u>(20,000)</u>
Total	\$391,750	\$405,000	\$13,250

This amendment also amends North Dakota Century Code Section 4-02.1-09 relating to vacancies and special compensation of State Fair Board members.

REPORT OF STANDING COMMITTEE

SB 2016, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2016 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "689,039" with "645,718"

Page 1, line 20, replace "(1,290,446)" with "(1,250,446)"

Page 1, line 23, replace "5,340" with "(34,769)"

Page 1, line 24, replace "1,018,622" with "975,192"

Page 2, line 1, replace "1,013,282" with "969,961"

Page 2, line 2, replace "5,340" with "5,231"

Page 2, line 8, replace "34,706,921" with "34,663,600"

Page 2, line 9, replace "13,238,913" with "13,278,913"

Page 2, line 12, replace "1,255,340" with "1,215,231"

Page 2, line 13, replace "58,473,339" with "58,429,909"

Page 2, line 14, replace "57,217,999" with "57,174,678"

Page 2, line 15, replace "1,255,340" with "1,255,231"

Page 3, line 1, replace "1,255,340" with "1,255,231"

Page 3, line 2, replace "57,997,924" with "57,954,603"

Page 3, line 3, replace "59,253,264" with "59,209,834"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2016 - Job Service North Dakota - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$34,846,714	\$34,706,921	(\$43,321)	\$34,663,600
Operating expenses	13,238,913	13,238,913	40,000	13,278,913
Capital assets	225,000	225,000		225,000
Grants	9,047,165	9,047,165		9,047,165
Work Force 2000	1,480,724	1,255,340	(40,109)	1,215,231
Work First - Reed Act	256,560	254,925		254,925
Unemployment insurance modernization - Reed Act	525,000	525,000		525,000
Total all funds	\$59,620,076	\$59,253,264	(\$43,430)	\$59,209,834
Less estimated income	<u>58,139,352</u>	<u>57,997,924</u>	<u>(43,321)</u>	<u>57,954,603</u>
General fund	\$1,480,724	\$1,255,340	(\$109)	\$1,255,231
FTE	355.80	355.80	0.00	355.80

Dept. 380 - Job Service North Dakota - Detail of House Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REDUCES FUNDING FOR WORK FORCE 2000 AND INCREASES OPERATING EXPENSES ²	TOTAL HOUSE CHANGES
Salaries and wages	(\$43,321)		(\$43,321)
Operating expenses		\$40,000	40,000
Capital assets			
Grants			
Work Force 2000	(109)	(40,000)	(40,109)
Work First - Reed Act			
Unemployment insurance modernization - Reed Act			
Total all funds	(\$43,430)	\$0	(\$43,430)
Less estimated income	<u>(43,321)</u>		<u>(43,321)</u>
General fund	(\$109)	\$0	(\$109)
FTE	0.00	0.00	0.00

¹ This amendment reduces funding for state employee health insurance premiums from \$559.15 to \$553.95 per month.

² This amendment reduced funding for Work Force 2000 by \$40,000 from the general fund and increases funding for operating expenses by \$40,000 from the general fund for costs associated with implementing a shared work program established by Senate Bill No. 2374.

REPORT OF STANDING COMMITTEE

SB 2037, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2037 was placed on the Sixth order on the calendar.

Page 1, line 1, after "15-10" insert "and a new section to chapter 54-59"

Page 1, line 2, after "technology" insert "and information technology planning"

Page 5, line 20, after "~~systems~~" insert an underscored comma

Page 5, line 27, after "the" insert "state information technology", remove the overstrike over "~~advisory~~", and after "committee" insert "and the information technology committee"

Page 12, line 23, overstrike "the public employees retirement system, the retirement"

Page 12, line 24, overstrike "and investment office," and remove "the oil and gas division and the geological survey"

Page 12, line 25, remove "of the industrial commission, the public service commission, the water commission,"

Page 13, line 3, after the period insert "An exemption granted under this section before the effective date of this Act may continue in effect until July 1, 2006. This chapter does not require or permit the public employees retirement system or the retirement and investment office to engage in activities or make expenditures that may affect their compliance with the qualification statutes and regulations promulgated by the internal revenue service."

SECTION 12. A new section to chapter 54-59 of the North Dakota Century Code is created and enacted as follows:

Information technology planning - Exemptions - Appeals.

1. The department shall establish specific standards, policies, and guidelines to support the future vision of migrating to a small number of operating system platforms. The standards and guidelines must be developed through the enterprise architecture process in accordance with section 54-59-09.
2. An agency or institution information technology plan required by section 54-59-11 must include data regarding business application assets, including age, and a planned replacement cycle. The department shall develop a long-term plan for the cost-effective, needs-based replacement of all critical business applications over a period of ten years or more. The process must include participation of affected agencies and institutions and must incorporate the standards, policies, and guidelines developed by the enterprise architecture process. The state information technology advisory committee shall prioritize application replacement projects in accordance with section 54-59-02.1. An agency or institution implementing a replacement application shall comply with the standards, policies, and guidelines developed under section 54-59-09 and shall obtain the services as provided by section 54-59-22. This subsection does not require the consolidation of business applications.
3. If an agency request for an exemption from the requirements of section 54-59-22 is denied by the office of management and budget, the agency may submit to the state information technology advisory committee any information it considers necessary to support its request for an exemption. The state information technology advisory committee may request the office of management and budget to reconsider the request for the exemption. If the office of management and budget denies the request for reconsideration or again denies the exemption, the agency may appeal to the governor. The governor may approve or deny the request. If the governor denies a request for an exemption, the agency may appeal to the legislative council's information technology committee. If an exemption is granted, the legislative assembly, at the next regular session of the legislative assembly, shall consider extending the exemption. If the legislative assembly does not extend the exemption, the exemption may not extend beyond the adjournment of that session of the legislative assembly.
4. If an industry regulated by a state agency incurs or anticipates incurring additional costs or permitting delays as a result of the effect on the regulating state agency of specific standards, policies, or guidelines established by the department under chapter 54-59, the industry may submit to the state information technology advisory committee a request for an exemption for the regulating state agency. The request must include any information the industry considers necessary to support its request for an exemption. The chief information officer shall request advice from the state information technology committee regarding the exemption. If the chief information officer denies a request for an exemption, the industry may appeal to the legislative council's information technology committee for the regulating state agency. The information technology committee may approve or deny the request. If the committee denies a request for an exemption, the industry may appeal to the governor. If the information technology committee or the governor approves an exemption, the exemption is effective for a period of up to ten years unless changes in technology require reconsideration of the exemption."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2059, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (15 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2059 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2101, as engrossed: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2101 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new subsection to section 39-01-15,"

Page 1, line 2, remove the comma

Page 1, line 5, remove ", subsection 1 of section 39-29-01,"

Page 1, remove lines 9 through 14

Page 2, remove lines 22 through 28

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2120: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2120 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 943 of the House Journal, Senate Bill No. 2120 is amended as follows:

Page 1, line 6, remove "; and to provide a continuing appropriation"

Page 1, line 10, remove "to operate" and remove "- Continuing appropriation"

Page 1, line 11, remove "to operate a" and after "board" insert "upon application for authorization to operate a postsecondary educational institution"

Page 1, line 12, replace "are" with "may be spent by the board pursuant to legislative appropriation"

Page 1, line 13, remove "appropriated to the board on a continuing basis to be used"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the continuing appropriation from the State Board for Career and Technical Education for the fee fund and provides that the fund may only be spent by the board pursuant to legislative appropriation.

REPORT OF STANDING COMMITTEE

SB 2139, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2139 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2168, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2168 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1140 and 1141 of the House Journal, Reengrossed Senate Bill No. 2168 is amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to the provision of educational association progress reports; to"

Page 1, line 3, after the first semicolon insert "and" and remove "; and to provide an appropriation"

Page 6, after line 30, insert:

"SECTION 2. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Educational association - Progress report. At the conclusion of each school year, the administrator of each educational association governed by a joint powers agreement which the superintendent of public instruction has verified as meeting the requirements of section 15.1-07-28 shall file a report with the legislative council. The report must summarize the activities of the association and must specifically address the benefits that accrued to each school district as a result of the district's membership in the association."

Page 8, remove lines 24 through 31

Page 9, remove lines 1 through 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2254: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). SB 2254 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "The department shall expunge," with:

1. An individual whose driving privileges have not been previously suspended for an alcohol-related driving offense may petition the court for an order removing the suspension from the driving record that is accessible to the public under the following circumstances:
 - a. The individual does not have a previous alcohol-related conviction or license suspension in this or another state;
 - b. The individual served the duration of the individual's suspension time;
 - c. The individual was not convicted of an alcohol-related driving offense; and
 - d. The individual did not refuse to submit to a chemical test or the individual did not have an alcohol concentration that exceeded twelve one-hundredths of one percent.
2. If the conditions of subsection 1 are met, the court shall issue an order directing the department to expunge the individual's driving record that is accessible to the public. This section does not apply to a suspension for an individual under twenty-one years of age with an alcohol concentration of at least two one-hundredths of one percent by weight."

Page 1, remove lines 7 through 11

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2302, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2302 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "two" with "four"

Page 1, line 14, replace "whole number" with "one-half"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2304, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2304 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2308: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2308 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 section 14-10-17 of the North Dakota Century Code, relating to treatment for minors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-10-17 of the North Dakota Century Code is amended and reenacted as follows:

14-10-17. Minors - Treatment for sexually transmitted disease - Drug abuse - Alcoholism - Pregnancy.

1. Any person of the age of fourteen years or older may contract for and receive examination, care, or treatment for sexually transmitted disease, alcoholism, pregnancy-related care, or drug abuse without permission, authority, or consent of a parent or guardian.
2. For purposes of this section, "pregnancy-related care" means prenatal care, labor, and delivery, and other health care services to determine the presence of or to treat pregnancy or conditions associated with pregnancy. This section does not authorize a minor to consent to abortion or otherwise supersede the requirements of chapter 14-02.1. A physician or other health care professional or a health care facility may not be compelled against their best judgment to provide pregnancy-related care to a minor based on the minor's own consent. A physician or other health care professional who provides pregnancy-related care to a minor may inform the parent or guardian of the minor of any health care services given or needed if the physician or other health care professional discusses with the minor the reasons for informing the parent or guardian before the disclosure, and in the judgment of the physician or other health care professional:
 - a. Failure to inform the parent or guardian would seriously jeopardize the health of the minor or the unborn child;
 - b. Severe complications are present or anticipated;
 - c. Major surgery or prolonged hospitalization is needed; or
 - d. Informing the parent or guardian would benefit the minor's physical and mental health."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2333, as reengrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 6 NAYS, ABSENT AND NOT VOTING). Reengrossed SB 2333 was placed on the Sixth order on the calendar.

Page 1, after line 24, insert:

- "5. Subsection 1 does not apply to any elementary school district that borders another state and pays tuition to a school district in that other state so students residing in the elementary school district may attend high school in the bordering state."

Page 4, line 22, after the second boldfaced period insert:

"1."

Page 4, after line 30, insert:

"2. If a student chooses to attend a school in a school district in a bordering state in accordance with this section, the student's school district of residence shall contract with the bordering state for the education of the student and pay the student's tuition at the agreed-upon amount."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2340: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (15 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). SB 2340 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2343, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2343 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "23-06.5-04,"

Page 4, remove lines 19 through 30

Page 5, remove lines 1 and 2

Page 6, line 24, after the underscored semicolon insert "and"

Page 6, remove lines 25 through 27

Page 6, line 28, replace "8." with "7."

Page 7, line 3, overstrike "a duty" and insert immediately thereafter "authority"

Page 18, line 26, replace "decide or speak" with "make and communicate health care decisions"

Page 19, line 4, after "make" insert "and communicate"

Page 19, line 10, replace "DECIDE OR SPEAK" with "MAKE AND COMMUNICATE HEALTH CARE DECISIONS"

Page 19, line 15, after the underscored period insert "None of the following may be designated as your agent: your treating health care provider, a nonrelative employee of your treating health care provider, an operator of a long-term care facility, or a nonrelative employee of a long-term care facility."

Page 19, line 16, replace "decide or speak" with "make and communicate health care decisions"

Page 19, line 30, replace "DECIDE OR SPEAK" with "MAKE AND COMMUNICATE HEALTH CARE DECISIONS"

Page 20, line 5, replace "decide or speak" with "make and communicate health care decisions"

Page 21, line 6, replace "decide or speak" with "make and communicate health care decisions"

Page 22, line 12, replace "decide or" with "make and communicate health care decisions"

Page 22, line 13, remove "speak"

Page 22, line 17, replace "decide or speak" with "make and communicate health care decisions"

Page 22, line 21, replace "decide or speak" with "make and communicate health care decisions"

Page 22, line 26, replace "decide or speak" with "make and communicate health care decisions"

Page 26, after line 21, insert:

"PRINCIPAL'S STATEMENT

I have read a written explanation of the nature and effect of an appointment of a health care agent that is attached to my health care directive.

Dated this day of , 20 .

(Signature of Principal)"

Page 26, line 24, after the underscored period insert "This statement does not need to be completed if the resident has read a written explanation of the nature and effect of an appointment of a health care agent and completed the Principal's Statement above."

Page 27, line 5, after the underscored period insert "This statement does not need to be completed if the patient or person being admitted has read a written explanation of the nature and effect of an appointment of a health care agent and completed the Principal's Statement above."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2348: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (17 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SB 2348 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2366, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (10 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2366 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2370, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2370 was placed on the Sixth order on the calendar.

Page 1, line 2, after "attorneys" insert "; and to provide an effective date"

Page 1, line 10, replace "~~sixty-five~~" with "fifty-six"

Page 1, line 13, replace "~~twenty-eight~~" with "~~twenty-four~~" and after "~~thousand~~" insert "~~five hundred seventy-five~~"

Page 1, after line 13, insert:

"SECTION 2. AMENDMENT. Subsection 6 of section 11-10-10 of the North Dakota Century Code is amended and reenacted as follows:

6. A state's attorney in a county having a population exceeding thirty-five thousand, or in a county in which the board of county commissioners has determined by resolution that the state's attorney must be full time and may not be an attorney or counsel for any party except the state or county, is entitled to receive a minimum salary of ~~ffifty-six~~ ~~sixty-five~~ thousand dollars. A state's attorney not considered full time is entitled to an annual salary of at least ~~twenty-four~~ ~~twenty-eight~~ thousand ~~five hundred seventy-five~~ dollars.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on January 1, 2006, and section 2 of this Act becomes effective on January 1, 2007."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2372, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2372 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study relating to efforts to discourage alcohol and drug abuse and tobacco use.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

LEGISLATIVE COUNCIL COORDINATION OF EFFORTS TO DISCOURAGE DESTRUCTIVE BEHAVIOR STUDY. The legislative council shall consider studying, during the 2005-06 interim, the feasibility and desirability of establishing an organization to support and coordinate federal, tribal, state, including institutions of higher education, and local government and private efforts to discourage destructive behavior, including alcohol and drug abuse and tobacco use. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2374, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 8 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2374 was placed on the Sixth order on the calendar.

Page 1, line 2, after the first semicolon insert "and" and remove "; and to provide an appropriation"

Page 2, remove lines 10 through 14

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the \$40,000 general fund appropriation provided to Job Service North Dakota for the implementation costs associated with implementing a shared work demonstration project.

REPORT OF STANDING COMMITTEE

SB 2384: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2384 was placed on the Sixth order on the calendar.

Page 1, line 1, after "53-06.1-06" insert "and section 53-06.1-10.1"

Page 1, line 2, after "to" insert "raffles and"

Page 1, after line 13, insert:

"SECTION 2. AMENDMENT. Section 53-06.1-10.1 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-10.1. Raffles. A prize for a raffle may be cash or merchandise but may not be real estate. No single cash prize may exceed one thousand dollars and the total cash prizes in one day may not exceed three thousand dollars. However, on not more than one occasion per year a licensed organization may, at the request of a winning player, exchange a merchandise prize valued at not more than twenty-five thousand dollars for a cash prize."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4030, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4030 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "continue" with "need"

Page 1, line 11, after "institutionalization" insert "and alternative care"

Page 1, remove lines 12 and 13

Page 1, line 14, remove "transitioning from" and replace "to" with ", as well as"

Page 1, line 15, after "services" insert a comma

Renumber accordingly

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

Bradley C. Fay, Chief Clerk