

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

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Bismarck, January 19, 2005

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

The prayer was offered by Pastor Spencer Baker, Open Door Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Maragos, Nicholas, and Potter.

A quorum was declared by the Speaker.

MOTION

REP. MONSON MOVED that HB 1143, which is on the Sixth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1143 was rereferred.

MOTION

REP. DEKREY MOVED that HB 1201, which is on the Eleventh order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. DeKrey's motion, HB 1201 was rereferred.

MOTION

REP. AARSVOLD MOVED that the House reconsider its action whereby HB 1063 failed to pass, which motion prevailed on a recorded roll call vote.

ROLL CALL

The question being on the motion to reconsider House Bill No. 1063, the roll was called and there were 48 YEAS, 42 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Bernstein; Boehning; Boucher; Carlisle; Clark; Conrad; DeKrey; Delmore; Dietrich; Ekstrom; Froseth; Glassheim; Hawken; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mueller; Nelson; Nottestad; Onstad; Owens; Pietsch; Sandvig; Schmidt; Solberg; Thoreson; Thorpe; Uglem; Wall; Weiler; Wieland; Zaiser

NAYS: Amerman; Bellew; Belter; Boe; Brandenburg; Brusegaard; Carlson; Charging; Damschen; Delzer; Devlin; Dosch; Drovdal; Froelich; Galvin; Grande; Guleson; Haas; Hanson; Headland; Herbel; Kasper; Kempenich; Kingsbury; Kreidt; Metcalf; Monson; Norland; Pollert; Porter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Timm; Vigesaa; Wald; Weisz; Wrangham; Speaker Klein

ABSENT AND NOT VOTING: Maragos; Nicholas; Potter; Williams

SECOND READING OF HOUSE BILL

HB 1063: A BILL for an Act to create and enact two new sections to chapter 54-44.3 of the North Dakota Century Code, relating to authorizing political subdivisions to request an exemption from coverage under the state merit system; and to amend and reenact section 54-44.3-12.1 of the North Dakota Century Code, relating to revisions to the compensation plan established by North Dakota human resource management services.

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 47 YEAS, 43 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Bernstein; Boehning; Boucher; Carlisle; Clark; Conrad; Delmore; Dietrich; Dosch; Ekstrom; Glassheim; Hanson; Hawken; Horter; Hunskor; Iverson; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mueller; Nelson;

Nottestad; Onstad; Owens; Pietsch; Sandvig; Schmidt; Solberg; Thoreson; Thorpe; Wall; Wieland; Williams; Zaiser

NAYS: Amerman; Bellew; Belter; Boe; Brandenburg; Brusegaard; Carlson; Charging; Damschen; DeKrey; Delzer; Devlin; Drovda; Froelich; Froseth; Galvin; Grande; Gulleston; Haas; Headland; Herbel; Johnson, D.; Kasper; Kingsbury; Kreidt; Metcalf; Monson; Norland; Pollert; Porter; Price; Rennerfeldt; Ruby; Sitte; Skarphol; Svedjan; Timm; Uglem; Vigasaa; Wald; Weiler; Weisz; Speaker Klein

ABSENT AND NOT VOTING: Maragos; Nicholas; Potter; Wrangham

HB 1063 lost.

SECOND READING OF HOUSE BILL

HB 1197: A BILL for an Act to amend and reenact section 11-23-05 of the North Dakota Century Code, relating to the deadline for county budget preparation.

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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Maragos; Nicholas; Potter; Wieland; Wrangham

HB 1197 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1211: A BILL for an Act to amend and reenact section 12.1-23-11 of the North Dakota Century Code, relating to unauthorized use of personal identifying information of a deceased individual; and to provide a penalty.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Maragos; Nicholas; Potter; Wrangham

HB 1211 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1221: A BILL for an Act to amend and reenact sections 40-40-06 and 40-40-09 of the North Dakota Century Code, relating to the final city budget deadline.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Maragos; Nicholas; Potter; Wrangham

HB 1221 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1182: A BILL for an Act to amend and reenact subsection 2 of section 57-15-28.1 of the North Dakota Century Code, relating to use of political subdivision levies for insurance reserve funds for political subdivision workforce safety and insurance premiums; and to provide an effective date.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Maragos; Nicholas; Potter; Wrangham

Engrossed HB 1182 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1183: A BILL for an Act to amend and reenact section 12.1-31-03 of the North Dakota Century Code, relating to the sale of tobacco to individuals under nineteen years of age and the purchase, possession, and use of tobacco by individuals under nineteen years of age; to provide a penalty; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 28 YEAS, 62 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Boe; Boucher; Clark; Damschen; DeKrey; Drovda; Ekstrom; Gulleason; Hanson; Herbel; Hunskor; Johnson, N.; Kaldor; Kelsh, S.; Kingsbury; Metcalf; Mueller; Onstad; Price; Rennerfeldt; Sandvig; Solberg; Thorpe; Uglem; Williams; Zaiser

NAYS: Amerman; Bellew; Belter; Bernstein; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Conrad; Delmore; Delzer; Devlin; Dietrich; Dosch; Froelich; Froseth; Galvin; Glassheim; Grande; Haas; Hawken; Headland; Horter; Iverson; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Nelson; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Ruby; Schmidt; Sitte; Skarphol; Svedjan; Thoreson; Timm; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Speaker Klein

ABSENT AND NOT VOTING: Maragos; Nicholas; Potter; Wrangham

Engrossed HB 1183 lost.

SECOND READING OF HOUSE BILL

HB 1184: A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to deceptive marriage practices; to amend and reenact subsection 1 of section 23-07-07.5 and section 23-07.7-01 of the North Dakota Century Code, relating to sexual offense medical testing; and to repeal section 12.1-20-10 of the North Dakota Century Code, relating to unlawful cohabitation.

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 37 YEAS, 52 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Bernstein; Boehning; Boucher; Brusegaard; Conrad; DeKrey; Delmore; Ekstrom; Froelich; Glassheim; Gulleson; Hanson; Hawken; Horter; Hunskor; Johnson, N.; Kaldor; Keiser; Kelsch, S.; Kingsbury; Kroeber; Meyer, S.; Mueller; Nelson; Nottestad; Onstad; Owens; Pietsch; Thorpe; Uglem; Wall; Wieland; Williams; Zaiser

NAYS: Bellew; Belter; Brandenburg; Carlisle; Carlson; Charging; Clark; Damschen; Delzer; Devlin; Dietrich; Dosch; Drovdal; Froseth; Galvin; Grande; Haas; Headland; Herbel; Iverson; Johnson, D.; Kasper; Kelsch, R.; Kempenich; Kerzman; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Monson; Norland; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Timm; Vigasaa; Wald; Weiler; Weisz; Speaker Klein

ABSENT AND NOT VOTING: Boe; Maragos; Nicholas; Potter; Wrangham

Engrossed HB 1184 lost.

SECOND READING OF HOUSE BILL

HB 1205: A BILL for an Act to amend and reenact section 62.1-04-03 of the North Dakota Century Code, relating to concealed weapon permit testing.

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, 14 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Grande; Gulleson; Haas; Hanson; Headland; Herbel; Hunskor; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Nelson; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser

NAYS: Aarsvold; Conrad; Dietrich; Hawken; Horter; Iverson; Johnson, N.; Kaldor; Metcalf; Mueller; Owens; Sitte; Skarphol; Speaker Klein

ABSENT AND NOT VOTING: Brandenburg; Glassheim; Maragos; Nicholas; Potter; Wrangham

Engrossed HB 1205 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1180: A BILL for an Act to amend and reenact section 36-21.1-09 of the North Dakota Century Code, relating to the raffling of livestock.

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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Brandenburg; Maragos; Nicholas; Potter; Wrangham

HB 1180 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1226: A BILL for an Act to amend and reenact section 32-03.1-02.3 of the North Dakota Century Code, relating to notification to the state department of health of acquisition of an automated external defibrillator.

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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Brandenburg; Maragos; Nicholas; Potter; Wrangham

HB 1226 passed and the title was agreed to.

MOTION

REP. BERG MOVED that the House reconsider its action whereby HB 1205 passed, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1205: A BILL for an Act to amend and reenact section 62.1-04-03 of the North Dakota Century Code, relating to concealed weapon permit testing.

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

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

NAYS: Aarsvold; Boucher; Conrad; Dietrich; Glassheim; Horter; Kaldor; Metcalf; Mueller; Owens; Skarphol

ABSENT AND NOT VOTING: Maragos; Nicholas; Potter; Wrangham

Engrossed HB 1205 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that HB 1196 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1196: A BILL for an Act to create and enact a new section to chapter 39-29 of the North Dakota Century Code, relating to all-terrain vehicles registered as motorcycles; to amend and reenact sections 39-29-09 and 39-29-12 of the North Dakota Century Code, relating to the operation of all-terrain vehicles; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Glassheim; Kelsch, R.; Porter

ABSENT AND NOT VOTING: Maragos; Nicholas; Potter; Wrangham

Engrossed HB 1196 passed and the title was agreed to.

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 2034, SB 2035.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1139, HB 1146.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1064, HB 1081, HB 1086, HB 1098, HB 1103, HB 1104, HB 1128, HB 1136, HB 1137, HB 1138, HB 1149, HB 1163, HB 1167, HB 1168, HB 1179, HB 1190, HB 1191.

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., Thursday, January 20, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1041: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1041 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1053: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1053 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1055: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1055 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1082: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1082 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1150: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1150 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1178: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1178 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 26.1-26.6 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to house arrest services provided by a bail bond agent; to"

Page 1, line 5, remove "the regulation of the" and replace "agent profession and a state fee for bail bond; and to" with "agents."

Page 1, line 6, remove line 6

Page 1, line 10, replace "use" with "used"

Page 1, line 17, remove the overstrike over "~~and continuing~~" and remove "- Reciprocity - Continuing"

Page 1, line 19, remove ". The commissioner may not grant licensure reciprocity to"

Page 1, remove line 20

Page 1, line 21, remove "reciprocity to a North Dakota bail bond agent"

Page 2, line 1, remove "Limitations of"

Page 2, line 2, remove "courts -"

Page 2, line 6, remove "A court may not accept a bail bond"

Page 2, remove line 7

Page 2, line 8, remove "personal recognizance."

Page 5, line 3, remove the overstrike over "~~or fee~~" and remove "- Bonding schedule - State fees"

Page 5, line 4, remove "1."

Page 5, line 6, remove the overstrike over "~~seventy-five~~" and remove "one hundred"

Page 5, line 7, remove "twenty-five"

Page 5, remove lines 8 through 21

Page 5, line 25, after the first "~~bondsman~~" insert "bail bond agent", remove the overstrike over "~~—If the~~", after the second "~~bondsman~~" insert "bail bond agent", remove the overstrike over "~~returns~~", and remove "bail bond"

Page 5, remove lines 26 and 27

Page 5, line 28, remove "bail bond agent pays the forfeiture, if after the ninety days expires" and remove "is returned or"

Page 5, line 29, remove "~~returns~~", remove the overstrike over the overstruck comma, remove "and" and replace "petitions" with "may petition"

Page 5, line 30, remove ", the court shall return the forfeiture, less five percent for"

Page 5, line 31, remove "court costs", remove the overstrike over the first "~~the~~", after "~~bondsman~~" insert "bail bond agent", and remove the overstrike over "~~returns—the defendant to the jurisdiction of the court within six~~"

Page 6, remove the overstrike over line 1

Page 6, line 2, remove the overstrike over "~~petition by the~~", after the first "~~bondsman~~" insert "bail bond agent", remove the overstrike over "~~, less five percent for court costs. If the~~" after the second "~~bondsman~~" insert "bail bond agent", and remove the overstrike over "~~returns the~~"

Page 6, remove the overstrike over line 3

Page 6, line 4, remove the overstrike over "~~appear, the court may return the forfeiture upon receipt of a petition from the~~", after "~~bondsman~~" insert "bail bond agent", and remove the overstrike over "~~, less~~"

Page 6, line 5, remove the overstrike over "~~five percent for court costs~~" and remove "a bail bond agent petitions the court, the court may assess"

Page 6 , remove lines 6 through 13

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1202: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1202 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1214: 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 1214 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "go" with "remain"

Page 1, line 10, after "of" insert "or enter upon"

Page 1, line 11, after the second "a" insert "class A misdemeanor or felony"

Page 1, line 12, after "minor" insert ", subject to modifications the court has expressly made on the record"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1232: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1232 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1237: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1237 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1251: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1251 was placed on the Sixth order on the calendar.

Page 1, line 17, after "in" insert "an answer, reply to an answer, or other"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1257: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1257 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1261: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1261 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1277: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1277 was placed on the Sixth order on the calendar.

Page 1, line 3, after "offenders" insert "; and to amend and reenact subdivision b of subsection 3 of section 12.1-08-06 of the North Dakota Century Code, relating to the definition of official detention"

Page 1, underscore lines 7 through 20

Page 1, line 21, underscore "electronic home detention or global positioning system monitoring may be used for" and remove "low-risk,"

Page 1, line 22, remove "nonviolent", underscore "adult and juvenile offenders as selected by the court" and insert immediately thereafter ", the parole board, or the department", and underscore ". Electronic home detention and"

Page 1, underscore lines 23 and 24

Page 2, underscore lines 1 through 13

Page 2, line 14, underscore "1. The participant", replace "must" with "may be required to", and underscore "remain within the interior premises or within the property"

Page 2, underscore line 15

Page 2, line 16, underscore "by the court" and insert immediately thereafter ", the parole board," and underscore "or the department. Instances of approved absences from the"

Page 2, underscore line 17

Page 2, line 18, underscore "a. Work or employment approved by the court" and insert immediately thereafter ", the parole board, or the department" and underscore "or traveling to or from approved"

Page 2, underscore lines 19 and 20

Page 2, line 21, underscore "court" and insert immediately thereafter ", the parole board, or the department" and underscore the semicolon

Page 2, underscore line 22

Page 2, line 23, underscore "programs approved for the participant by the court" and insert immediately thereafter ", the parole board, or the department" and underscore the semicolon

Page 2, underscore line 24

Page 2, line 25, underscore "participant by the court" and insert immediately thereafter ", the parole board, or the department" and underscore the semicolon

Page 2, underscore lines 26 and 27

Page 2, line 28, underscore "approved for the participant by the court" and insert immediately thereafter ", the parole board, or the department" and underscore "; or"

Page 2, underscore line 29

Page 2, line 30, underscore "by the court" and insert immediately thereafter ", the parole board," and underscore "or the department."

Page 3, line 1, underscore "2. The participant must admit any individual or agent designated by the court" and insert immediately thereafter ", the parole board," and underscore "or the"

Page 3, underscore lines 2 through 4

Page 3, line 5, underscore "or agent as designated by the court" and insert immediately thereafter ", the parole board," and underscore "or the department to visit the participant's"

Page 3, underscore lines 6 through 9

Page 3, line 10, underscore "monitoring program as designated by the court" and insert immediately thereafter ", the parole board," and underscore "or the department at any time for"

Page 3, underscore lines 11 through 18

Page 3, line 19, underscore "6. The participant must obtain approval from the court" and insert immediately thereafter ", the parole board," and underscore "or the department before the"

Page 3, underscore lines 20 through 22

Page 3, line 23, underscore "8. The participant must abide by other conditions as set by the court" and insert immediately thereafter ", the parole board," and underscore "or the"

Page 3, underscore lines 24 and 25

Page 3, line 26, underscore "home detention or global positioning system monitoring, the court" and insert immediately thereafter ", the parole board," and underscore "or the department shall"

Page 3, underscore lines 27 through 30

Page 4, underscore lines 1 through 7

Page 4, after line 7, insert:

"SECTION 2. AMENDMENT. Subdivision b of subsection 3 of section 12.1-08-06 of the North Dakota Century Code is amended and reenacted as follows:

- b. "Official detention" means arrest, custody following surrender in lieu of arrest, detention in any facility for custody of persons under charge or conviction of an offense or alleged or found to be delinquent, detention under a law authorizing civil commitment in lieu of criminal

proceedings or authorizing such detention while criminal proceedings are held in abeyance, detention for extradition, home detention as authorized by section 1 of this Act, or custody for purposes incident to the foregoing, including transportation, medical diagnosis or treatment, court appearances, work, and recreation, or being absent without permission from any release granted while under custody of a sentence such as work or education release, community confinement, or other temporary leaves from a correctional or placement facility, ~~but~~ ~~official~~. "Official detention" does not include supervision on probation or parole or constraint incidental to release."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1296: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS** (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HB 1296 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1305: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1305 was placed on the Eleventh order on the calendar.

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

Bradley C. Fay, Chief Clerk

