

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

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Bismarck, March 7, 2007

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

The prayer was offered by Chaplain David Vaughn with the North Dakota State Penitentiary, Bismarck.

The roll was called and all members were present except Representative Metcalf.

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

Page 838, line 14, after "lost" insert "for want of a Constitutional majority"

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

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 6, 2007, I have signed the following: HB 1052, HB 1070, HB 1075, HB 1076, HB 1077, HB 1083, HB 1085, HB 1095, HB 1108, HB 1117, HB 1123, HB 1142, HB 1185, HB 1211, HB 1253, HB 1265, HB 1266, HB 1289, HB 1301, HB 1302, HB 1382, HB 1383, and HB 1468.

SIXTH ORDER OF BUSINESS

SPEAKER DELZER DEEMED approval of the amendments to Engrossed SB 2040, as amended, Engrossed SB 2196, SB 2204, Engrossed SB 2255, SB 2338, and Engrossed SB 2392.

SB 2338, as amended, was rereferred to the **Appropriations Committee**.

Engrossed SB 2196, SB 2204, Engrossed SB 2255, and Engrossed SB 2392, as amended, and SB 2040 as further amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2262: A BILL for an Act to amend and reenact section 12.1-06-05 of the North Dakota Century Code, relating to the renunciation of criminal intent; and to declare an emergency.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsdor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Metcalf

Engrossed SB 2262, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2299: A BILL for an Act to amend and reenact section 57-02-27.1 of the North Dakota Century Code, relating to city governing body authority to adopt a standard of valuation that recognizes the supply of vacant lots; 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 91 YEAS, 2 NAYS, 0 EXCUSED, 1 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; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Zaiser

NAYS: Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Metcalf

Engrossed SB 2299, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2406: A BILL for an Act to create and enact a new subdivision to subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to overwidth travel permits.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Metcalf

Engrossed SB 2406, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2289: A BILL for an Act to amend and reenact section 20.1-04-15 of the North Dakota Century Code, relating to the youth pheasant hunting season.

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 30 YEAS, 63 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Boe; Boucher; Delmore; Ekstrom; Froelich; Griffin; Gulleson; Hanson; Hunsakor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Meyer, S.; Mueller; Myxter; Onstad; Pinkerton; Potter; Price; Schmidt; Schneider; Solberg; Thorpe; Vig; Wrangham; Zaiser

NAYS: Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Froseth; Glassheim; Grande; Gruchalla; Haas; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson; Nelson; Nottestad; Owens; Pietsch; Pollert; Porter; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Speaker Delzer

ABSENT AND NOT VOTING: Metcalf

SB 2289 lost.

SECOND READING OF SENATE BILL

SB 2294: A BILL for an Act to amend and reenact section 65-05-35 of the North Dakota Century Code, relating to reopening of workforce safety and insurance claims that are presumed closed.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Metcalf

Engrossed SB 2294 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2168: A BILL for an Act to amend and reenact section 43-23-23 of the North Dakota Century Code, relating to errors and omissions coverage offered by the real estate commission.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Metcalf

SB 2168, as amended, passed and the title was agreed to.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2354.

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

MR. PRESIDENT: The Speaker has signed: SB 2031, SB 2216, SB 2359, SB 2380, SB 2381.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1033, HB 1035, HB 1046, HB 1087, HB 1100, HB 1116, HB 1139, HB 1205, HB 1234, HB 1291, HB 1310, HCR 3020, HCR 3023, HCR 3033.

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

MR. SPEAKER: The President has signed: HB 1069, HB 1109, HB 1172, HB 1213, HB 1232, HB 1235, HB 1238, HB 1268, HB 1281, HB 1305, HB 1313, HB 1338, HB 1342, HB 1408, HB 1413, HB 1470, HB 1500, HB 1514, HCR 3030, HCR 3044.

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

MR. SPEAKER: The President has signed: HB 1033, HB 1035, HB 1046, HB 1087, HB 1100, HB 1116, HB 1139, HB 1205, HB 1234, HB 1291, HB 1310, HCR 3020, HCR 3023, HCR 3033.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4026.

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 1217, HB 1293.

SENATE AMENDMENTS TO HOUSE BILL NO. 1217

Page 1, line 1, after "reenact" insert "subsection 2 of section 25-03.3-05 and"

Page 1, line 2, replace "proof required for" with "civil commitment of" and replace "individual civil commitment" with "individuals; and to declare an emergency"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 25-03.3-05 of the North Dakota Century Code is amended and reenacted as follows:

2. For purposes of this chapter, the disclosure of individually identifiable health information by a treating facility or mental health professional shall, if requested, disclose individually identifiable health information to a court, the state hospital, state's attorney, retained counsel, or other a mental health professional, including an expert examiner, and the disclosure is a disclosure for treatment. A retained or appointed counsel has the right to obtain individually identifiable health information regarding a respondent in a proceeding under this chapter. In any other case, the right of an inmate or a patient to obtain protected health information must be in accordance with title 45, Code of Federal Regulations, part 164.

Page 2, after line 6, insert:

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

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1293

Page 1, line 1, replace the second "a" with "two" and replace "subsection" with "subsections"

Page 1, line 9, replace "A" with "Two" and replace "subsection" with "subsections"

Page 1, line 10, replace "is" with "are"

Page 1, line 11, remove "advanced practice registered nurse,"

Page 1, line 13, remove "who is at least six months old and less than"

Page 1, line 14, remove "ten years old"

Page 1, line 15, remove "advanced practice registered nurse."

Page 1, after line 17, insert:

"To an advanced practice registered nurse licensed under chapter 43-12.1 who is applying topical fluoride varnish to an individual and is acting within the scope of practice of the advanced practice registered nurse and has successfully completed a training program approved by the board."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1195, HCR 3003.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1195

Page 1, line 19, replace "This" with "Section 1 of this"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3003

Page 2, line 3, remove "and" and after "Committee" insert ", each member of the North Dakota Congressional delegation, and the President of the United States"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HB 1034, HB 1102, HB 1137, HB 1412.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2081, SB 2148, SB 2165.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2193, SB 2214.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed unchanged: SB 2149, SB 2250, SB 2263, SB 2271, SB 2360, SB 2369.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, March 8, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2134, 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 2134 was placed on the Sixth order on the calendar.

Page 1, line 13, replace ", a tramadol-containing substance, and" with "and nonscheduled substances containing tramadol or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2135, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2135 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "one-fourth" with "one-sixth"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2153, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2153 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2161, as engrossed: Judiciary Committee (Rep. DeKrey, 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). Engrossed SB 2161 was placed on the Sixth order on the calendar.

Page 1, line 1, after "provide" insert "an appropriation to the attorney general for computerized sexual offender registration kiosks; and to provide"

Page 1, after line 3, insert:

"SECTION 1. APPROPRIATION. There is appropriated from special funds derived from federal funds or other sources, not otherwise appropriated, the sum of \$1,046,080, or so much of the sum as may be necessary, to the attorney general for ten computerized sexual offender registration sites, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Page 1, line 5, replace "The" with "If notified by the attorney general that federal or other funds have not been awarded as of September 1, 2007, the"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides an appropriation to the Attorney General for computerized sex offender registration kiosks and provides for a Legislative Council study on the feasibility and desirability of the kiosks if the funding is not received by September 1, 2007.

REPORT OF STANDING COMMITTEE

SB 2171: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2171 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2176: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2176 was placed on the Sixth order on the calendar.

Page 1, line 3, after "6-03-38" insert "and subsection 11 of section 6-06-06"

Page 1, line 20, replace "Notwithstanding any state law to the" with "Subject to authorization by the state banking board, acting by order or rule, a state bank has the same powers as a national bank and may engage directly or indirectly in any activity in which a bank could engage if the state bank were nationally chartered."

Page 1, remove lines 21 through 24

Page 2, after line 30, insert:

"SECTION 4. AMENDMENT. Subsection 11 of section 6-06-06 of the North Dakota Century Code is amended and reenacted as follows:

11. ~~Credit unions~~ Subject to authorization by the state credit union board, acting by order or rule, a state credit union has the same powers as a federal credit union and may engage in any activity in which they a credit union could engage if they the credit union were federally chartered; subject to rules that the state credit union board shall adopt.

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2182: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2182 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2188, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2188 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2252, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2252 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "health insurance policy, health service contract, or evidence of coverage" with "hospital, surgical, medical, or major medical benefit policy"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2258: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2258 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2318: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2318 was placed on the Fourteenth order on the calendar.

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

Buell J. Reich, Chief Clerk

