

**JOURNAL OF THE HOUSE****Sixtieth Legislative Assembly**

\* \* \* \* \*

**Bismarck, March 16, 2007**

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

The prayer was offered by Sister Kathleen Atkinson, Director of the University of Mary Christian Leadership Center.

The roll was called and all members were present except Representatives Amerman, Boe, Boehning, Drovdal, and Kerzman.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 15, 2007, I have signed the following: HB 1061, HB 1094, HB 1137, HB 1140, and HB 1156.

**POINT OF PERSONAL PRIVILEGE**

**REP. KOPPELMAN:** Mr. Speaker: I rise on a point of personal privilege.

The West Fargo Packatahnas wrapped up their competitive season in fine style at the UPA Americup Dance Championship at the Minneapolis Convention Center on February 24th and 25th. The team competed in several categories and came home with first place finishes in both Pom and High Kick, and a second place finish in Jazz. The team moved on to win second place in the Grand Champion event, in which the teams with the highest scores in all categories compete for the best overall routine.

UPA was the last competition of the season for the Packatahnas and their final performances were at the North Dakota State Class A Basketball Tournaments at the Fargodome. The team bid farewell to seven very special members at the end of the school year: Seniors Kelly Clark, Elizabeth Erickson, Dani Mehus, Kallista Nilson, Sarah Parkhouse, Jessica Roth, and Kelsey Stroh have helped to bring two national champion titles to North Dakota and numerous state titles to West Fargo.

Congratulations Packatahnas!

**MOTION**

**REP. MONSON MOVED** that the remarks of Rep. Koppelman be printed in the Journal, which motion prevailed.

**POINT OF PERSONAL PRIVILEGE**

**REP. WOLF:** Mr. Speaker: I rise on a point of personal privilege.

I rise to congratulate the Minot High Boys Swim Team on their recent state championship. This is the 9th straight state championship for the Minot High team, and out of the last 32 years, the 22nd time that Minot has taken first at state.

Cody Heizelman was named senior WDA athlete of the year and also took the state championship in the 100 fly.

The 200 free relay also took first place and consisted of Ty Martin, Elias Metzgian, Cody Heizelman, and Rob Gokey.

Congratulations to the Minot High Boys Swim Team!

**MOTION**

**REP. MONSON MOVED** that the remarks of Rep. Wolf be printed in the Journal, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that SB 2276, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that SB 2186 and SB 2037, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**SIXTH ORDER OF BUSINESS**

**SPEAKER DELZER DEEMED** approval of the amendments to Engrossed SB 2200, Engrossed SB 2309, Engrossed SB 2344, Reengrossed SB 2347, Engrossed SCR 4030, and SCR 4032.

Engrossed SB 2200, as amended, was rereferred to the **Appropriations Committee**.

Engrossed SCR 4030 and SCR 4032, as amended, were placed on the Tenth order of business on the calendar for the succeeding legislative day.

Engrossed SB 2309, Engrossed SB 2344, and Reengrossed SB 2347, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**SIXTH ORDER OF BUSINESS**

**SB 2371, as reengrossed: REP. KARLS (Education Committee) MOVED** that the amendments on HJ pages 1032-1036 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion failed.

**MOTION**

**REP. MONSON MOVED** that SB 2371 be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2371:** A BILL for an Act to amend and reenact section 15.1-23-01 of the North Dakota Century Code, relating to the provision of home education.

**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 2 YEAS, 86 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Koppelman

**NAYS:** Aarsvold; Belter; Berg; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; 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; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Amerman; Boe; Boehning; Drovdal; Kerzman; Wieland

Reengrossed SB 2371 lost.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2317:** A BILL for an Act to create and enact a new subdivision to subsection 5 of section 19-03.1-05 of the North Dakota Century Code, relating to including salvia divinorum as a schedule I controlled substance.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 6 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Boucher; Brandenburg; Carlisle; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby;

Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Berg; Charging; Delmore; Glassheim; Kasper; Weisz

**ABSENT AND NOT VOTING:** Amerman; Boe; Boehning; Drovdal; Kerzman

Engrossed SB 2317 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF SENATE BILL

**SB 2366:** A BILL for an Act to amend and reenact sections 14-15-17 and 14-15-18 of the North Dakota Century Code, relating to a foreign decree of adoption and an application for a new birth record; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Amerman; Boe; Boehning; Drovdal; Kerzman; Skarphol

Engrossed SB 2366 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

### SECOND READING OF SENATE BILL

**SB 2368:** A BILL for an Act to create and enact a new section to chapter 49-16 of the North Dakota Century Code, relating to a choice-of-laws clause in an indemnification provision of a railroad right of way agreement.

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

**ABSENT AND NOT VOTING:** Amerman; Boe; Boehning; Drovdal; Kerzman

Engrossed SB 2368 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2378:** A BILL for an Act to amend and reenact section 29-06-05.2 of the North Dakota Century Code, relating to the authority of a federal law enforcement agent to make an arrest for a violation of state law.

**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; Bellew; Belter; Berg; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleeson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; 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:** Amerman; Boe; Boehning; Drovdal; Kerzman

Engrossed SB 2378 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2415:** A BILL for an Act to create and enact a new section to chapter 12.1-15 of the North Dakota Century Code, relating to implanted microchips in individuals; 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 72 YEAS, 17 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Dietrich; Dosch; Froelich; Froseth; Glassheim; Grande; Griffin; Gulleeson; Haas; Hatlestad; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kroeber; Meier, L.; Metcalf; Monson; Mueller; Nelson; Owens; Pietsch; Pinkerton; Pollert; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Conrad; Dahl; Ekstrom; Gruchalla; Hanson; Hawken; Johnson, N.; Kaldor; Kretschmar; Martinson; Meyer, S.; Myxter; Nottestad; Onstad; Porter; Thorpe; Wolf

**ABSENT AND NOT VOTING:** Amerman; Boe; Boehning; Drovdal; Kerzman

SB 2415 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2390:** A BILL for an Act to amend and reenact subsection 1 of section 6-02-01 and section 6-05-02 of the North Dakota Century Code, relating to the use of terms for bank, annuity, safe deposit, surety, and trust company regulation purposes; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 89 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleeson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor;

Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; 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:** Amerman; Boe; Boehning; Drovdal; Kerzman

Engrossed SB 2390 lost.

\*\*\*\*\*

## **SECOND READING OF SENATE BILL**

**SB 2320:** A BILL for an Act to amend and reenact section 12.1-32-07 of the North Dakota Century Code, relating to the revocation of probation.

## **ROLL CALL**

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

**YEAS:** Gruchalla

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; 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:** Amerman; Boe; Boehning; Drovdal; Kerzman

Engrossed SB 2320, as amended, lost.

\*\*\*\*\*

## **ANNOUNCEMENT**

**SPEAKER DELZER ANNOUNCED** today is the 50th Legislative Day and by rule bills and resolutions will be messaged to the Senate upon adjournment of the day's session unless action on the bill or resolution is pending as the result of the House passing a motion to reconsider or unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1072, HB 1081, HB 1101, HB 1118, HB 1158, HB 1179, HB 1324, HB 1346, HB 1357, HB 1358, HB 1378, HB 1396.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2285, SB 2300, SB 2312.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2056, SB 2113, SB 2118, SB 2123, SB 2139, SB 2228, SB 2259, SB 2285, SB 2287, SB 2296, SB 2300, SB 2312, SB 2364, SB 2388.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1118 and HB 1179.

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

**MR. PRESIDENT:** The House has amended and subsequently failed: SB 2303, SB 2333.

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

**MR. PRESIDENT:** The House has failed to pass: SB 2390.

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

**MR. PRESIDENT:** The House has failed to pass: SB 2307, SB 2314.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2317, SB 2368, SB 2378, SB 2415.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2358.

**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 2255, SB 2262, SB 2392.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2049, SB 2212, SB 2221, SB 2273, SB 2308, SB 2350, SB 2357.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2029, SB 2137.

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

**MR. PRESIDENT:** The House has failed to pass: SB 2371.

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

**MR. PRESIDENT:** The House has amended and failed to pass: SB 2320.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2366.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1169, HB 1331, HB 1479, HCR 3002, HCR 3008, HCR 3012, HCR 3013, HCR 3024, HCR 3026, HCR 3031.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed: HB 1249.

**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 1160, HB 1258.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1160**

Page 1, line 1, after "57-40.3-04" insert "and a new subsection to section 57-40.5-03"

Page 1, line 2, remove "a", replace "exemption" with "and aircraft excise tax exemptions", and after "ambulances" insert "and air ambulances"

Page 1, after line 9, insert:

**"SECTION 2.** A new subsection to section 57-40.5-03 of the North Dakota Century Code is created and enacted as follows:

Aircraft for use as an air ambulance, when purchased by the operator of an emergency medical services operation licensed under chapter 23-27."

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1258**

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

Page 2, after line 16, 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 amended and subsequently passed: HB 1136, HB 1147, HB 1216, HB 1241, HB 1317, HB 1432, HB 1462, HB 1492, HB 1501, HB 1507, HCR 3028.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1136**

Page 1, line 13, after "received" insert "age appropriate"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1147**

Page 2, line 12, replace "Notwithstanding any agreement to the contrary, if" with "If"

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1216**

Page 1, line 1, replace "sections" with "subsection 3 of section 12.1-20-01, section", after the first comma insert "subsection 1 of section 12.1-20-03.1, and sections", and remove the second comma

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Subsection 3 of section 12.1-20-01 of the North Dakota Century Code is amended and reenacted as follows:

3. When criminality depends on the victim being a minor fifteen years of age or older, the actor is guilty of an offense only if the actor is at least ~~four~~ three years older than the minor."

Page 2, line 1, overstrike "or"

Page 2, line 3, after "being" insert "; or"

- c. That person knows that the victim is unaware that sexual contact is being committed on the victim"

Page 2, line 7, overstrike "more than five years"

Page 2, line 8, overstrike "older than the victim" and insert immediately thereafter "at least twenty-two years of age"

Page 2, line 10, remove "lifetime"

Page 2, line 11, after the underscored period insert "The court may deviate from the mandatory sentence if the court finds that the sentence would impose a manifest injustice as defined in section 39-01-01 and the defendant has accepted responsibility for the crime or cooperated with law enforcement. However, a defendant convicted of a AA felony under this section may not be sentenced to serve less than five years of incarceration."

Page 2, line 12, overstrike "An offense under this section is a class C felony if the actor's conduct violates"

Page 2, overstrike lines 13 through 15

Page 2, line 16, overstrike "c."

Page 2, after line 19, insert:

**"SECTION 3. AMENDMENT.** Subsection 1 of section 12.1-20-03.1 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual in adult court is guilty of an offense if the individual engages in any combination of three or more sexual acts or sexual contacts with a minor under the age of fifteen years during a period of three or more months. The offense is a class AA felony if the actor was ~~more than five years older than the victim at the time of the offense. The offense is a class C felony if the actor was at least four but not more than five years older than the victim~~ at least twenty-two years of age at the time of the offense. Otherwise, the offense is a class A felony. The court may not defer imposition of sentence."

Page 3, line 7, overstrike "a", replace "minimum of" with "at least", and after "years" insert "but not more than ten years"

Page 3, overstrike line 9

Page 3, line 10, overstrike "five years."

Page 4, line 12, after "section" insert ", unless the court finds after at least eight years of supervised probation that further supervision would impose a manifest injustice as defined in section 39-01-01"

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1241**

Page 115, line 1, replace "partners" with "portions"

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1317**

Page 1, line 1, after the first "to" insert "create and enact a new chapter to title 49 of the North Dakota Century Code, relating to the decommissioning of commercial wind energy facilities; to"

Page 1, after line 5, insert:

**"SECTION 1.** A new chapter to title 49 of the North Dakota Century Code is created and enacted as follows:

**Definitions.** In this chapter, unless the context otherwise requires:

1. "Commercial wind energy conversion facility" means a wind energy conversion facility of equal to or greater than five hundred kilowatts in total nameplate generating capacity.
2. "Commission" means the public service commission.
3. "Wind turbine" means a wind turbine of equal to or greater than five hundred kilowatts in total nameplate generating capacity.

**Jurisdiction of the commission for decommissioning of commercial wind energy conversion facilities.** The commission has continuing jurisdiction and authority over all persons and property necessary to enforce this chapter. The commission may:

1. Investigate all methods and practices of commercial wind energy conversion facilities, subject to this chapter.
2. Require the filing and determine the amount of a bond or other assurance, conditioned upon the full compliance with this chapter and the rules and orders of the commission. The commission may accept under the terms and conditions as the commission may prescribe a surety bond, collateral bond, self-bond, escrow account, or any alternative form of security or other financial assurance, or combination thereof, by which an owner or operator assures faithful performance of all requirements of this chapter and the rules and orders of the commission.
3. Regulate the decommissioning of a commercial wind energy conversion system.
4. Adopt and enforce rules and orders to effectuate the purposes and the intent of this chapter.

#### **Decommissioning of commercial wind energy conversion facilities.**

1. The owner and operator, at its expense, shall complete decommissioning of the commercial wind energy conversion facility, or individual wind turbines, within twelve months after the end of the useful life of the commercial wind energy conversion facility or individual wind turbines. The commercial wind energy conversion facility or individual wind turbine is presumed to be at the end of its useful life if no electricity is generated for a



continuous period of twelve months unless a plan is developed and submitted to the commission outlining the steps and schedule for returning the turbine to service.

2. Decommissioning of commercial wind energy conversion facilities includes removal of all physical material pertaining to the wind energy conversion facility to a depth of forty-eight inches [1.219 meters] beneath the soil surface and restoration of the disturbed area to substantially the same physical condition that existed immediately before construction.
3. Disturbed earth must be graded and reseeded, unless the landowner requests in writing that the access roads or other land surface areas not be removed and restored to substantially the same physical condition that existed immediately before construction.
4. The commission may require a performance bond to provide for the decommissioning and removal of a commercial wind energy conversion facility. The performance bond may be in the form of a surety bond, collateral bond, self-bond, cash, or any alternative form of security or other financial assurance as prescribed by the commission by rule. The commission shall consider the anticipated life of the project, the estimated decommissioning costs in current dollars, the method and schedule for updating the costs of decommissioning and restoration, the method of ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the project will be decommissioned and the site restored when adopting rules that detail the bond requirements and when determining the amount of any required bond.
5. If the commercial wind energy conversion facility owner or operator does not complete decommissioning, the commission may take any action necessary to complete decommissioning, including requiring forfeiture of the bond. The execution of a participating landowner agreement constitutes agreement and consent of the parties to the agreement, their respective heirs, successors, and assigns, that the commission may take such action as may be necessary to implement the decommissioning plan, including the exercise by the commission, commission staff, and contractors of the right of ingress and egress for the purpose of decommissioning the commercial wind energy conversion facility.
6. An easement or lease between a landowner and the owner or operator of a commercial wind energy facility or wind turbine may contain provisions for decommissioning that are more restrictive than this chapter."

Page 1, replace lines 9 through 22 with:

**"Taxable valuation of centrally assessed wind turbine electric generators.**

A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more, on which construction is completed before January 1, 2011, must be valued at three percent of assessed value to determine taxable valuation of the property. ~~However, a~~ except:

1. A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more, for which a purchased power agreement has been executed after April 30, 2005, and before January 1, 2006, and construction is ~~begun~~ completed after April 30, 2005, and before July 1, 2006, must be valued at one and one-half percent of assessed value to determine taxable valuation of the property and this reduced valuation applies for that property for the duration of the initial purchased power agreement for that generation unit; and
2. A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more, on which construction is completed after June 30, 2006, and before January 1, 2011, must be valued at one and one-half percent of assessed value to determine taxable valuation of the property."

Page 1, line 23, replace "This" with "Section 2 of this"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1432**

Page 1, line 10, remove "The board shall"

Page 1, line 11, remove "receive bids for this program under section 54-52.1-04."

Page 1, line 14, replace "and" with an underscored comma and after "pharmacists" insert ", and other health professionals"

Page 1, line 17, after "program" insert an underscored comma and after "pharmacists" insert "and other health professionals"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1462**

Page 4, line 11, replace "independence council" with "policy commission"

Page 5, line 15, replace "independence council" with "policy commission" and replace "member" with "representative of the agriculture community appointed by the governor"

Page 5, line 16, remove "appointed by the agriculture commissioner"

Page 5, line 20, remove "and"

Page 5, line 21, after "governor" insert ", a representative recommended by the North Dakota petroleum marketers association and appointed by the governor, a member from the North Dakota investor-owned electric utility industry and appointed by the governor, a member from the generation and transmission electric cooperative industry and appointed by the governor, a member from the lignite coal-producing industry and appointed by the governor, and a member from the refining or gas-processing industry appointed by the governor"

Page 5, line 22, replace the first "independence council" with "policy commission. The commission shall meet at least six times or as often as the members deem necessary to complete the development of the comprehensive energy policy. The commission shall hold at least two public hearings before June 1, 2008, at which time interested parties may present testimony regarding issues pertinent to the development of the policy" and replace the second "independence council" with "policy commission"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1492**

Page 2, line 1, overstrike "Any" and insert immediately thereafter "Except as otherwise provided in subsection 10, any"

Page 2, remove lines 4 through 6

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1501**

Page 2, line 2, replace "for which public notice is required" with "issued" and replace "this chapter" with "chapter 23-20.3, 23-25, 23-29, or 61-28"

Page 2, line 9, replace "chapter 28-32" with "sections 28-32-40, 28-32-42, 28-32-43, 28-32-44, 28-32-46, and 28-32-49"

Page 2, line 11, replace "violations" with "a violation" and replace "this chapter" with "chapter 23-20.3, 23-25, 23-29, or 61-28 which occurs after the permit is issued,"

Page 2, line 12, replace "this chapter" with "those chapters"

Page 2, line 13, replace "occur" with "occurs" and replace "all challenges" with "any challenge"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1507**

Page 1, line 1, remove "a new section to chapter 44-04 and"

Page 1, line 2, remove "exempting electronic mail"

Page 1, line 3, remove "addresses and telephone numbers from open records requirements and to"

Page 1, remove lines 7 through 11

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3028**

Page 1, line 6, remove "for slaves"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1099, HB 1411.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1174, HB 1222, HB 1366, HB 1437, HB 1459, HCR 3050, HCR 3064.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1135, HB 1299, HB 1328, HB 1350, HB 1452, HB 1476, HCR 3025, HCR 3039, HCR 3048, HCR 3056, HCR 3063.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1229.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229**

Page 1, line 9, remove "At least twenty days"

Page 1, remove line 10

Page 1, line 11, remove "the record owner, as set forth in the office of the county treasurer." and remove "also"

Page 1, line 12, replace "notify" with "provide notice to"

Page 1, line 13, remove "If the occupied dwelling lies within city limits,"

Page 1, line 14, remove "notification may be given by contacting the local governing board."

Page 1, line 15, replace "occupant" with "owner or if the commission determines that the well location is reasonably necessary to prevent waste or to protect correlative rights"

Page 1, line 16, after the underscored period insert "If the commission issues a drilling permit for a location within five hundred feet [152.4 meters] of an occupied dwelling, the commission may impose such conditions on the permit as the commission determines reasonably necessary to minimize impact to the owner of the dwelling."

Renumber accordingly

**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., Monday, March 19, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2077: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2077 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 1 of section 54-17.7-08 as created by House Bill No. 1128," and after "64-02-02" insert a comma

Page 1, line 2, after "to" insert "the applicability of pipeline safety jurisdiction to the pipeline authority," and after "devices" insert a comma

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** If House Bill No. 1128 is approved by the sixtieth legislative assembly and becomes effective, subsection 1 of section 54-17.7-08 is amended and reenacted as follows:

1. Until sold or disposed of by the authority, the authority and the pipeline facilities built under this chapter are exempt from the provisions of title 49 except for chapter 49-22 and ~~section~~ sections 49-02-01.2 and 49-07-05.1. Upon sale or disposal by the authority, pipeline facilities built under this chapter are subject to the provisions of title 49."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2100, 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 2100 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "50-25.1-05.3" with "50-25.1-05"

Page 1, line 6, after the comma insert "information available for use in assessments,"

Page 1, line 16, remove the overstrike over "or", remove the overstrike over the overstruck semicolon and insert immediately thereafter "or", and remove the overstrike over "~~an employee of~~"

Page 1, line 17, after "in" insert an underscored comma and remove the overstrike over "~~public or private school or~~"

Page 4, line 15, remove "veterinarian,"

Page 4, line 17, remove "or"

Page 4, line 18, remove "school personnel, schoolbus driver"

Page 5, replace lines 23 through 30 with:

**"SECTION 5. AMENDMENT.** Section 50-25.1-05 of the North Dakota Century Code is amended and reenacted as follows:

#### **50-25.1-05. Assessment.**

1. The department, in accordance with rules adopted by the department, immediately shall initiate an assessment, or cause an assessment, of any report of child abuse or neglect including, when appropriate, the assessment of the home or the residence of the child, any school or child care facility attended by the child, and the circumstances surrounding the report of abuse or neglect.
2. If the report alleges a violation of a criminal statute involving sexual or physical abuse, the department and an appropriate law enforcement agency shall coordinate the planning and execution of their investigation efforts to avoid a duplication of factfinding efforts and multiple interviews. The department or the law enforcement agency may ~~refer:~~
  - a. Refer the case to a children's advocacy center for a forensic interview, forensic medical examination, and other services. ~~The department or appropriate law enforcement agency may interview~~
  - b. Interview, without the consent of a person responsible for the child's welfare, the alleged abused or neglected child and any other child who currently resides or who has resided with the person responsible for the child's welfare or the alleged perpetrator. ~~The department or law enforcement agency may conduct~~

- c. Conduct the interview at a school, child care facility, or any other place where the alleged abused or neglected child or other child is found.
3. Except as prohibited under title 42, Code of Federal Regulations, part 2, a regional human service center shall disclose to the department or the department's authorized agent, upon request, the records of a patient or client which are relevant to an assessment of reported child abuse or neglect."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2160, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2160 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2169, as engrossed: Political Subdivisions Committee (Rep. Herbel, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2169 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and"

Page 1, line 5, after "guidelines" insert "; and to provide for a legislative council study"

Page 1, line 11, replace the first "telephone" with "service" and replace the second "telephone" with "service"

Page 2, line 6, remove "and any associated"

Page 2, line 7, remove "equipment and personnel"

Page 2, line 13, remove the first "telephone" and remove the second "telephone"

Page 6, line 10, remove "telephone"

Page 6, line 11, after "based" insert "either"

Page 6, line 13, after "month" insert "or upon a two percent assessment on the gross revenue received from the sale of prepaid wireless services each month"

Page 13, after line 5, insert:

**"SECTION 11. LEGISLATIVE COUNCIL STUDY - E911 FEES PAID ON PREPAID WIRELESS.** The legislative council shall consider studying, during the 2007-08 interim, the feasibility and desirability of collecting emergency 911 fees on the sale of prepaid wireless services. The study must include an evaluation of methods by which E911 fees may be collected from end users and purchasers of prepaid wireless services on an equitable, efficient, competitively neutral, and nondiscriminatory basis and a review of whether the collection of fees on prepaid wireless services would constitute an efficient use of public funds, given the technological and practical considerations of collecting the fees. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2194: Political Subdivisions Committee (Rep. Herbel, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2194 was placed on the Sixth order on the calendar.

Page 1, line 13, remove "An official of a political"

Page 1, remove lines 14 and 15

Page 1, line 16, remove "electors equal in number to forty percent of the voters who voted in that election."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2201, as engrossed: Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2201 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2232, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2232 was placed on the Sixth order on the calendar.

Page 3, line 4, after "birth" insert "date and"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2238: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2238 was placed on the Sixth order on the calendar.

Page 1, line 2, replace the first comma with "and" and remove ", and 5"

Page 3, line 21, replace the first comma with "and" and remove ", and 5"

Page 4, remove lines 1 through 4

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2305: Political Subdivisions Committee (Rep. Herbel, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2305 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2310: Political Subdivisions Committee (Rep. Herbel, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2310 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "Each" with "The legislative assembly or either"

Page 1, line 8, replace "from a member or former member," with "as a donation"

Page 1, remove line 9

Page 1, line 10, remove "former member of the legislative assembly" and after the second "the" insert "legislative assembly by concurrent resolution or the"

Page 1, line 12, after the first "the" insert "concurrent resolution or"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2379, as reengrossed: 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). Reengrossed SB 2379 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "an appropriation" with "for a legislative study"

Page 1, line 6, replace "shall" with "may"

Page 2, line 1, replace "shall" with "may"

Page 2, remove lines 6 through 12

Page 2, line 13, replace "5." with "4.", replace "shall" with "may", and replace the second "the" with "a"

Page 2, line 16, replace "6." with "5."

Page 2, replace lines 22 through 26 with:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY - NURSING EDUCATION - CLINICAL ALTERNATIVES.** The legislative council shall consider studying, during the 2007-08 interim, the challenges of providing nursing education to residents of rural North Dakota, including the feasibility and desirability of using scientific and mechanical alternatives to traditional clinical education, the qualifications needed to provide effective and efficient instruction using the alternatives, the number of individuals likely to complete their nursing education if the alternatives were available, and the cost per graduate if the alternatives were provided. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

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

**Buell J. Reich, Chief Clerk**

