

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

* * * * *

Bismarck, January 16, 2007

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

The prayer was offered by Pastor Ed Langeliers, New Life Worship Center, Beulah.

The roll was called and all members were present except Representatives Kaldor and Owens.

A quorum was declared by the Speaker.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. DeKrey, Delmore, Nelson, Price introduced:

HCR 3006: A concurrent resolution for the amendment of section 6 of article IV of the Constitution of North Dakota, relating to the appointment of a member of the legislative assembly to a full-time appointive state office.

Was read the first time and referred to the **Constitutional Revision Committee**.

SIXTH ORDER OF BUSINESS

SPEAKER DELZER DEEMED approval of the amendments to HB 1085, HB 1089 and HB 1131.

HB 1085, HB 1089 and HB 1131, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. MONSON MOVED that HB 1515 be returned to the House floor from the **Agriculture Committee** and be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1515 was rereferred.

MOTION

REP. KOPPELMAN MOVED that HCR 3006 be returned to the House floor from the **Constitutional Revision Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. DEKREY REQUESTED the unanimous consent of the House to withdraw HCR 3006. There being no objection, it was so ordered by the Speaker.

MOTION

REP. BERG MOVED that the remarks and materials of Rep. Belter be printed in the Journal, which motion prevailed.

REMARKS OF REP. BELTER

I have placed on your desk a list of unprecedented accomplishments by our North Dakota Air National Guard beginning back in 1947 with P-51's and graduating to the jet age with F-16's.

Since 1993 the Air National Guard has had 115 thousand hours of fighter time without a Class A mishap. That accomplishment says well for the men and women of the North Dakota Air National Guard.

One of the most memorable things of the North Dakota Air National Guard is that on 9-11 it was the North Dakota Air National Guard that secured the air space over the Capitol. There is the picture of the F-16 flying over the burning Pentagon that day.

The air force only commissioned two prints that could be done in remembering what happened that day: The F-16 over the Pentagon, and the F-15 over the city of New York.

As a former member of the Air national guard for 26 years, this is a bitter but also a sweet day of memory. This is the last time we will be able to see a fly over like this today, like we have seen and enjoyed since 1947. But it is also a rewarding day because we know the men and women of the North Dakota Air National Guard will distinguish themselves in the future as they have in the past.

We thank those people in the Air National Guard as they transition into their new mission. Thank you.

MATERIALS ABOUT THE NORTH DAKOTA AIR NATIONAL GUARD

"THE HAPPY HOOLIGANS"

The North Dakota Air National Guard officially became a National Guard on January 16, 1947, at Hector Airport, Fargo, North Dakota. The newly established Air National Guard units formed in the 1947 - 1949 period were commonly assigned the history and accomplishments of a deactivated World War II flying unit.

The 367th Fighter Group, made up of the 392nd FS, 393rd FS and 394th FS was one such unit. Known as the "The Dynamite Gang", 367th Fighter Group pilots flew 14,175 combat sorties in P-38's and P-47's during WWII, destroying 432 enemy aircraft. The unit received two Presidential Unit Citations and two Belgium Army Order of the Day citations.

The leading ace of the 367th Fighter Group, Capt. Larry (Scrappy) Blumer from Kindred, North Dakota, became known as the "Fastest Ace in the West", when, as a member of the 393rd FS, he shot down five German fighters (FW 190's) in fifteen minutes on 25 August 1944. Scrappy commanded the 393rd FS from November 10, 1944, until he completed his combat tour in mid January 1945.

Upon inactivation of the 367th Fighter Group, the 178th Fighter Squadron, North Dakota Air National Guard, received the heritage of the 392nd Fighter Squadron, one of three fighter squadrons of the 367th Fighter Group.

The first fighter aircraft was the P-51D "Mustang," which the unit flew from February 1947 to 1954. The unit was called to Active Duty status in April of 1951 for the Korean War and assigned to Strategic Air Command at Moody AFB, Georgia in a bomber escort role. The unit was later transferred to George AFB, California in an air to ground and air to air role. On December 31, 1952, the unit was released from active duty and returned to Fargo, ND. The 178th, which left Fargo as the 178th Fighter-Bomber Squadron, became 178th Fighter Interceptor Squadron and given an Air Defense Mission upon its return to Fargo in January of 1953.

In September of 1953 the runway alert program began with 2 P-51's on alert 14 hours a day. In 1954 the unit was assigned to the Air Defense Command and entered the jet age when the unit converted to the F-94 which it flew until 1958. Since then, the Hooligans have flown the F-89 "Scorpion" from 1958 to 1966, the F-102 "Delta Dagger" from 1966 to 1969, and the F-101 "Voodoo" from 1969-1977. Starting in 1977, the unit flew the F4 "Phantom" until 1990, and the F-16 "Fighting Falcon" from 1990 to the present. Since 1973, the 119th Fighter Wing has flown more than 115-thousand hours in fighter aircraft without a Class A mishap, unprecedented in any U. S. fighter unit.

The mission of the North Dakota Air National Guard is two-fold. Its state mission, under the command of the Governor, is to support state and local authorities in civil emergencies. Under the federal mission, the unit is available for mobilization and immediate integration into the U. S. Air Force. The unit has been tasked to perform its state mission on many occasions. Prominent examples include Operation Haylift in 1949, providing relief to blizzard-bound farms and ranches, and more recently, Operation Snowball and Operation Good Neighbor in 1997, to combat unprecedented winter snowfall and spring flooding conditions throughout North Dakota. Federalization of the North Dakota Air National Guard occurred during the Korean Conflict, with the unit mobilized and ordered to active duty in 1951, returning to Fargo and state control in 1953. It also occurred following the terrorist attacks of 11 September 2001 when hundreds of airmen were voluntarily recalled to active duty status for Operation Noble Eagle, under the North American Aerospace Defense Command and the "all States agreement."

Air Defense alert has been a major part of the North Dakota Air National Guard's tasking since September of 1953. The unit provided alert coverage at Fargo, with either two or four aircraft continuously on status, until March 1990 when home station alert was discontinued. A permanent alert detachment at Langley Air Force Base, Virginia now hosts 36 full-time personnel with aircraft maintenance, munitions, supply, administrative and operational command responsibilities. Previous alert sites include March Air Reserve Base, California, and Kingsley Field, near Klamath Falls, Oregon.

The first overseas deployment of the North Dakota Air Guard occurred in 1983, with six F-4s and 120 support personnel deploying to Keflavik, Iceland. Eight Russian TU-95 Bear bombers were intercepted by Hooligan pilots during the deployment. In 1986, the 119th Fighter Group became the first core unit to assume the USAF Zulu alert mission at Ramstein Air Base, Germany. Referred to as "Creek Klaxon", the 119th and other Air Defense units stood continuous alert for one year, providing air sovereignty in Europe for NATO. During Desert

Storm, 107 Happy Hooligans were mobilized and deployed in support of operations at numerous CONUS locations. The C-130 support aircraft assigned to the North Dakota Air National Guard and aircrew also provided stateside airlift of crucial, war-related personnel and equipment to support Desert Storm.

Happy Hooligans have a proud record of accomplishments over the years. Among the many unit awards, the Hughes Trophy and the USAF Daedalian Maintenance Trophy are special standouts, presented on the basis of an Air Force wide competition to the single most serving unit. In 1994, the Hooligans won the Hughes Trophy for the second time. The only F-16 unit to win the award, the 119th is one of only two Air National Guard units to have captured the Hughes Trophy, and the only Air National Guard unit to win the award twice, winning it for the first time in 1975. In addition to the Hughes Trophy in 1975, the unit was also presented the USAF Daedalian Maintenance Trophy. It was the first time the two awards were presented to the same unit, and the first time either of these trophies had been awarded to a Reserve Component unit.

The 119th has performed impressively in the William Tell competition, a world-wide weapons meet at Tyndall AFB, Florida. The unit's most recent win occurred in October 1994. This was the third time the Hooligans had won the overall tournament, winning it in 1970 and 1972. The unit also won the F-4 division in 1986. The 119th has competed in the event a total of nine times, including the combined Air National Guard team in 1996, merging both F-15's and F-16's into a unified combat unit, was drawn from the North Dakota and Oregon Air National Guard units.

The 119th Fighter Wing has won the Air Force Outstanding Unit Award eleven times, most recently service to the nation in response to the terrorist attacks of 9/11/01. The award is given for exceptionally meritorious service or outstanding achievement that clearly sets the recipient above and apart from similar units. In addition, the following are recent awards presented to the Hooligans: the 1994 Winston P. Wilson Trophy for the most outstanding ANG unit with jet fighters or reconnaissance aircraft (the second time in the unit's history); the 1994 Air National Guard Supply Effectiveness Award for promoting maximum supply efficiency and outstanding supply activities; the 1994 William W. Spruance Safety Award for the Air National Guard unit which makes the most significant contributions towards accident prevention; and the 1995 American Petroleum Institute for the Air National Guard's top fuels element.

"HAPPY HOOLIGANS AND THE GLOBAL WAR ON TERROR"

BY SMSGT DAVID SOMDAHL

Pilots and aircraft maintenance specialists from the 119th Fighter Wing sprang into immediate motion when terrorists attacked the United States Sept. 11, 2001.

As hijacked commercial passenger aircraft were flying and still unaccounted for, three armed F-16 aircraft and pilots were scrambled from the North Dakota Air National Guard's Air Defense Alert Detachment at Langley Air Force Base, Virginia. "The Happy Hooligans" were directed first toward New York, then Washington to protect the White House, the U.S. Capitol and the Washington, D.C. area. The three pilots were the first to arrive overhead, establish a defensive counter air combat air patrol, and confirm the strike against the Pentagon while the building burned out of control. The first low pass bolstered the confidence of those evacuated from the building, and gave immediate reassurance to military personnel and civilians alike. The immediate and disciplined response by Major Brad Derrig, Capt. Dean Eckmann and Capt. Craig Borgstrom restored order at a time of intense national crisis, acts for which all three were honored. Another 119th Fighter Wing F-16 was dispatched to meet an urgent need to return the Emergency Management Director for the State of New York from a national conference being held at Big Sky resort in Montana. 119th Operations Group Commander, Lt. Col. Rick Gibney, returned Mr. Edward Jacoby to Albany on Sept. 11th, then flew on to the Langley Alert Detachment for duty. Today a large oil painting depicting Capt. Eckmann's first low pass over the Pentagon, hangs in a Pentagon corridor as a stark reminder of the horror witnessed by thousands that day.

During the first six months of Operation Noble Eagle the 119th Fighter Wing flew more than 2-and-a-half times their normal, peacetime training rate flying nearly 4,000 flight hours. That feverish pace required around-the-clock support both at the alert detachment in Virginia and its home base at Hector International Airport in Fargo. Noble Eagle patrol flights were flown by the 119th Fighter Wing over 11 states plus the District of Columbia, including dozens of Presidential and Vice Presidential escort missions - most recently during the President's Aug. 5 visit to Mankato and LeSeuer, Minnesota. Today the 119th Fighter Wing remains poised to respond on a moment's notice to any requirement and provide continuous air sovereignty alert along the Atlantic coastline.

The 119th Fighter Wing quickly joined the global war on terrorism as well deploying the first Air National Guard civil engineer fire protection team into Afghanistan early in 2002. Dozens of security forces personnel deployed to Southwest Asia, as did others full spectrum threat response specialists, logistics, personnel, command chiefs, chaplains and personnel specialists. More than 90 warriors - women and men, young and not so young - took part in the "away game" to disrupt havens for terrorists and bring stability to very unsecure areas away from American shores.

The 119th Fighter Wing is widely regarded as the nation's premiere Air National Guard fighter unit. The unit has won the Air Force Outstanding Unit Award ten times since 1970. It earned overall first place honors three times at the U.S. Air Force Air to Air Weapons competition, better known as "William Tell," competing with active duty squadrons, other Air National Guard units and Canadian Forces teams. The 119th Fighter Wing is the only unit ever to win the prestigious Hughes Achievement Award flying F-16 fighter aircraft, and is the only Air National Guard unit to earn the Hughes award twice. Within the last year, the 119th Logistics Readiness Squadron was recognized as best in the Air National Guard, winning the Daedalian Major General Warren R. Carter Logistics Effectiveness Award winner for fiscal year 2003. During the same period, the POL flight earned the prestigious American Petroleum Institute award.

The "Happy Hooligans" have a strong tradition of excellence. Other recent awards include the National Guard Association of the United States Distinguished Flying Award, the Major General John J. Pesch Flight Safety Award three of the last four years, the ANG Outstanding Logistics, Plans, and Programs Unit, the William W. Spruance Safety Award, and the ANG Maintenance Effectiveness Award for fighter aircraft. The wing also had the honor of being the first Air National Guard Unit in the nation to launch the AIM-120A Advanced Medium Range Air-to-Air Missile (AMRAAM) from an F-16A "Fighting Falcon" aircraft in 1994. The unit won the Maj. Gen. Winston P. Wilson Trophy Award in 1971; the coveted "A" Award from the Aerospace Defense Command in 1971, 1973, 1974, and 1979; the Air Force Nuclear Safety Plaque in 1972; the Aerospace Defense Command Outstanding Security Police Award in 1972, 1978, and 1989; the Tactical Air Command Flying Safety Plaque in 1981, 1982, 1983, and 1985; USAF Missile Safety Award 1971, 1972, 1973, 1974, 1975, 1976, 1982, 1983, and 1985; the USAF Explosive Safety Award, 1973 and 1974; Air Defense Command Weapons Loading competition, 1981; ANG Outstanding Medical Unit Award, 1986; ANG Outstanding Food Service Award finalist, 1989; and the Air Combat Command Flying Safety Plaque every year since 1993. In 1974 the Happy Hooligans won the USAF Daedalian Maintenance Trophy, the first time ever awarded to an Air National Guard or Air Force Reserve Command unit.

MOTION

REP. BERG MOVED that HB 1025 be laid over two legislative days, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1029: A BILL for an Act to create and enact a new section to chapter 11-09.1 and a new section to chapter 40-05.1 of the North Dakota Century Code, relating to limits on transfers of home rule county and city sales tax revenue to school districts; 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 64 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Damschen; Dietrich; Dosch; Drovda; Froelich; Froseth; Grande; Griffin; Gulleon; Haas; Headland; Heller; Herbel; Hofstad; Johnson, D.; Karls; Kasper; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Meyer, S.; Monson; Nelson; Nottestad; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Schmidt; Skarphol; Svedjan; Thoreson; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Delzer

NAYS: Boe; Boucher; Conrad; Dahl; DeKrey; Delmore; Ekstrom; Glassheim; Gruchalla; Hanson; Hatlestad; Hawken; Hunskor; Johnson, N.; Keiser; Kelsh, S.; Klemin; Kroeber; Metcalf; Mueller; Myxter; Onstad; Potter; Schneider; Solberg; Sukut; Thorpe; Wolf

ABSENT AND NOT VOTING: Kaldor; Owens

Engrossed HB 1029 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1063: A BILL for an Act to amend and reenact subsection 11 of section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; 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: Kaldor; Owens

HB 1063 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1103: A BILL for an Act to create and enact section 54-24.2-02.2 of the North Dakota Century Code, relating to public libraries' maintenance of local effort in order to receive state aid; to repeal section 54-24.2-04 of the North Dakota Century Code, relating to public libraries' maintenance of local effort in order to receive state aid; to provide for application; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; 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: Kaldor; Owens

HB 1103 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1122: A BILL for an Act to amend and reenact subsection 3 of section 12.1-04.1-23, subsection 2 of section 12.1-04.1-26, subsection 4 of section 12.1-32-07, subdivision a of subsection 4 of section 12.1-32-08, subsection 6 of section 14-15-19, subsection 2 of section 23-07.6-03, sections 23-07.6-05, 23-07.6-06, and 25-01.2-11, subsection 2 of section 27-20-17, subsection 4 of section 27-20-22, section 27-20-26, subsections 2 and 3 of section 27-20-49, and sections 27-22-02, 29-07-01.1, 29-32.1-05, and 31-01-16 of the North Dakota Century Code, relating to providing legal counsel at public expense.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; 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; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; 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: Belter; Kaldor; Owens

Engrossed HB 1122 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1055: A BILL for an Act to create and enact section 19-03.1-20.1 of the North Dakota Century Code, relating to theft or loss of controlled substances reports; to amend and reenact subsections 5 and 7 of section 19-03.1-05, subsections 4, 6, and 7 of section 19-03.1-07, section 19-03.1-09, subsections 4 and 6 of section 19-03.1-11, and sections 19-03.1-13 and 19-03.1-22 of the North Dakota Century Code, relating to controlled substances; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; 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: Kaldor; Owens

Engrossed HB 1055 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1078: A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to participation by employees of the state board for career and technical education in the public employees retirement system; to amend and reenact section 15-39.1-09, subsection 4 of section 54-52-01, and subsection 1 of section 54-52.1-03.2 of the North Dakota Century Code, relating to participation by employees of the state board for career and technical education in the public employees retirement system; and to provide an appropriation.

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 75 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Berg; Boehning; Boucher; Brandenburg; Carlisle; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hatlestad; Hawken; Headland;

Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Schmidt; Schneider; Solberg; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser

NAYS: Bellew; Belter; Boe; Carlson; Delmore; Dosch; Hanson; Keiser; Klein; Kroeber; Myxter; Price; Ruby; Skarphol; Svedjan; Wald; Speaker Delzer

ABSENT AND NOT VOTING: Kaldor; Owens

HB 1078 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1104: A BILL for an Act to amend and reenact section 54-01.1-03 of the North Dakota Century Code, relating to moving and related expenses for displaced persons; and to provide an effective date.

ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Froeth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; 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: Kaldor; Owens

HB 1104 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1111: A BILL for an Act to create and enact chapter 18-03.1 of the North Dakota Century Code, relating to a North Dakota fire commission.

ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 87 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Brandenburg; Hanson; Kretschmar; Nelson; Ruby

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

HB 1111 lost.

SECOND READING OF HOUSE BILL

HB 1118: A BILL for an Act to amend and reenact sections 43-12.1-08, 43-12.1-09, and 43-12.1-10 of the North Dakota Century Code, relating to the issuance of limited licenses and registrations by the board of nursing and the requirements of nurse applicants for license by endorsement.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglen; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Kaldor; Owens

Engrossed HB 1118 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1144: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to employer liability to an employee for state income tax penalties and interest incurred by the employee as a result of erroneous information furnished by the employer on the federal form W-2.

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 36 YEAS, 56 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boehning; Boucher; Carlisle; Conrad; Dahl; DeKrey; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Hanson; Hunskor; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Koppelman; Kretschmar; Kroeber; Meyer, S.; Myxter; Onstad; Pinkerton; Porter; Potter; Schmidt; Schneider; Solberg; Thorpe; Uglen; Vig; Wolf; Zaiser

NAYS: Amerman; Bellew; Belter; Berg; Boe; Brandenburg; Carlson; Charging; Clark; Damschen; Dietrich; Dosch; Drovdal; Froseth; Grande; Gulleson; Haas; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kempenich; Klein; Klemin; Kreidt; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson; Nottestad; Pietsch; Pollert; Price; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Kaldor; Owens

HB 1144 lost.

SECOND READING OF HOUSE BILL

HB 1155: A BILL for an Act to amend and reenact sections 26.1-08-01 and 26.1-08-02.1, subdivision j of subsection 2 of section 26.1-08-02.2, sections 26.1-08-06, 26.1-08-07, and 26.1-08-09, subsection 6 of section 26.1-08-10, subsections 3 and 4 of section 26.1-08-11, and sections 26.1-08-12 and 26.1-08-13 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; 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: Kaldor; Owens

HB 1155 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1188: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an individual income tax credit for the purchase of hearing aids; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 66 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Boe; Boucher; Carlisle; Charging; Delmore; Hanson; Hunskor; Johnson, D.; Kerzman; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nottestad; Onstad; Potter; Schneider; Solberg; Williams; Wolf; Zaiser

NAYS: Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Monson; Myxter; Nelson; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Schmidt; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Kaldor; Owens

HB 1188 lost.

SECOND READING OF HOUSE BILL

HB 1192: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for volunteer firefighters; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 24 YEAS, 68 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Boucher; Carlisle; DeKrey; Froelich; Glassheim; Griffin; Gulleon; Kasper; Kelsch, R.; Kerzman; Metcalf; Mueller; Nelson; Porter; Ruby; Schmidt; Solberg; Thoreson; Thorpe; Vigesaa; Weisz

NAYS: Belter; Berg; Boe; Boehning; Brandenburg; Carlson; Charging; Clark; Conrad; Dahl; Damschen; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Grande; Gruchalla; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor;

Johnson, D.; Johnson, N.; Karls; Keiser; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Myxter; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Potter; Price; Schneider; Skarphol; Sukut; Svedjan; Uglem; Vig; Wald; Wall; Weiler; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Kaldor; Owens

HB 1192 lost.

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 4002.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2040, SB 2044, SB 2048.

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., Wednesday, January 17, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1043: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1043 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1045: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1045 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "file" with "record"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1056: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1056 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1077: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1077 was placed on the Sixth order on the calendar.

Page 2, line 26, after "account" insert an underscored comma and after "penitentiary" insert an underscored comma

Page 2, line 27, overstrike the comma and insert immediately thereafter ". The warden shall pay an inmate all funds in the inmate's account, less the inmate's outstanding obligations to the penitentiary, when the inmate is"

Page 2, line 28, overstrike the comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1092: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1092 was placed on the Sixth order on the calendar.

Page 4, line 19, replace "Allows the child to be subjected" with "Subjects the child" and replace "and" with "or"

Page 5, line 24, overstrike "and" and insert immediately thereafter "or"

Page 8, line 6, remove the overstrike over "~~Has committed an offense in violation of section~~" and remove the overstrike over "~~5-01-08; or~~"

Page 8, line 7, after "f." insert "e."

Page 8, line 10, replace "e." with "f."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1100: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1100 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1116: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1116 was placed on the Sixth order on the calendar.

Page 1, line 20, remove ", subject to subsection 8"

Page 2, remove lines 9 through 13

Page 3, line 1, after "rehabilitation" insert ", upon the request of the governing body of the correctional facility,"

Page 3, line 20, after "sufficient" insert "law enforcement officers with correctional training or trained correctional facility"

Page 3, line 23, remove the overstrike over "~~available~~" and remove "on duty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1126: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1126 was rereferred to the **Appropriations Committee**.

Page 1, line 1, after "53-06.2-01" insert "and two new subsections to section 53-06.2-04"

Page 1, line 2, after "fund" insert "and to the duties of the racing commission"

Page 1, line 10, after the underscored comma insert "and"

Page 1, line 11, remove ", and paying the commission's operating expenses"

Page 1, after line 11, insert:

"SECTION 2. Two new subsections to section 53-06.2-04 of the North Dakota Century Code are created and enacted as follows:

Report biennially to the legislative council regarding the operation of the commission.

Provide notice to the North Dakota horsemen's council of meetings held by the commission and permit the North Dakota horsemen's council to participate in the meetings through placement of items on the agenda."

Page 6, line 11, after "commission" insert ", upon approval of the emergency commission,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1178: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1178 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1206: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1206 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1230: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1230 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILL

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

Was read the first time and referred to the **Human Services Committee**.

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

Buell J. Reich, Chief Clerk