

## JOURNAL OF THE HOUSE

## Sixtieth Legislative Assembly

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Bismarck, January 17, 2007

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

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

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

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER DELZER DEEMED** approval of the amendments to HB 1045, HB 1077, HB 1092, HB 1116 and HB 1126.

HB 1126, as amended, was rereferred to the **Appropriations Committee**.

HB 1045, HB 1077, HB 1092 and HB 1116, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. PORTER MOVED** that HCR 3017 be returned to the House floor from the **Natural Resources Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**REP. ONSTAD REQUESTED** the unanimous consent of the House to withdraw HCR 3017. There being no objection, it was so ordered by the Speaker.

## MOTION

**REP. KEISER MOVED** that HB 1307 be returned to the House floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**REP. KEISER REQUESTED** the unanimous consent of the House to withdraw HB 1307. There being no objection, it was so ordered by the Speaker.

## FIRST READING OF SENATE CONCURRENT RESOLUTION

**SCR 4002:** A concurrent resolution honoring and remembering Gerald R. Ford, Thirty-eighth President of the United States.

Was read the first time.

## MOTION

**REP. MONSON MOVED** that the rules be suspended, that SCR 4002 not be referred to committee, but be read in its entirety be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. Stenehjem, J. Lee, O'Connell and Reps. Berg, Boucher, Delzer introduced:

## SENATE CONCURRENT RESOLUTION NO. 4002

A concurrent resolution honoring and remembering Gerald R. Ford, Thirty-eighth President of the United States.

**WHEREAS**, all North Dakotans were saddened to learn of the death of former President Gerald R. Ford on December 26, 2006; and

**WHEREAS**, President Gerald R. Ford served in the Pacific Theatre in the United States Navy during World War II, in the United States House of Representatives, including eight years as minority leader, as vice president, and as President of the United States; and

**WHEREAS**, President Gerald R. Ford had strong Midwestern roots, having been born in Nebraska, attended college at the University of Michigan where he helped his football team win two national titles, and having represented the state of Michigan in Congress; and

**WHEREAS**, President Gerald R. Ford will be remembered for having restored honesty, candor, and integrity to government as he ushered in a new era of national healing at a time of crisis in our nation; and

**WHEREAS**, President Gerald R. Ford's steadfast support of his wife Betty during her struggles with breast cancer and substance abuse addiction helped remove the stigmas associated with these medical and social ills; and

**WHEREAS**, North Dakotans were particularly honored when as President, Gerald R. Ford named a North Dakotan, Thomas Kleppe, to the cabinet position of Secretary of the Interior; and

**WHEREAS**, all North Dakotans join our nation in mourning the passing of this great American;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That we join all North Dakotans in expressing our sorrow on the passing of former President Gerald R. Ford as we honor and remember him for his loyal and dedicated service to our country; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to the family of former President Gerald R. Ford and a copy to the Gerald R. Ford Presidential Library and Museum in Grand Rapids, Michigan.

#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4002:** A concurrent resolution honoring and remembering Gerald R. Ford, Thirty-eighth President of the United States.

The question being on the final adoption of the resolution, which has been read.

SCR 4002 was declared adopted on a voice vote.

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

**MR. PRESIDENT:** The House has passed unchanged: SCR 4002.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1029, HB 1103.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1055, HB 1063, HB 1078, HB 1104, HB 1118, HB 1122, HB 1155.

#### **MOTION**

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

#### **MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, January 18, 2007, which motion prevailed.

#### **REPORT OF STANDING COMMITTEE**

**HB 1057: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1057 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "Employers may file contribution and wage reports by means of" with "An employer that employs more than ninety-nine employees at any time shall file contribution and wage reports by an electronic method approved by the bureau beginning with the calendar quarter in which the employer first employs more than ninety-nine employees. An employer that does not comply with the requirements to file reports electronically is deemed to have failed to submit any employer's contribution and wage report as provided in section 52-04-11"

Page 1, remove lines 9 through 12

Page 1, line 13, remove "dollars must be made electronically"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1060: 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 1060 was placed on the Sixth order on the calendar.

Page 1, line 2, after "the" insert "geophysical,"

Page 1, line 4, after "38-19-04" insert "and subsection 5 of section 54-44.4-02"

Page 1, line 5, remove the third "and"

Page 1, line 6, after "permits" insert ", and exemptions from procurement practices", remove "and", and after "appropriation" insert "; and to declare an emergency"

Page 4, line 5, replace "Geothermal" with "Geophysical, geothermal"

Page 4, line 6, after "a" insert "geophysical,"

Page 4, line 8, after "sections" insert "38-08.1-04,"

Page 4, line 9, after "section" insert "38-08.1-03.1,"

Page 4, line 13, after "section" insert "38-08.1-07,"

Page 4, line 16, after "chapter" insert "38-08.1,"

Page 4, line 20, after "chapters" insert "38-08.1,"

Page 5, after line 8, insert:

**"SECTION 6. AMENDMENT.** Subsection 5 of section 54-44.4-02 of the North Dakota Century Code is amended and reenacted as follows:

5. Procurements through a contract or other instrument executed by the industrial commission under chapter 54-17.5 and under those statutes in title 38 authorizing the industrial commission to perform well and hole pluggings, reclamation work, equipment removal, leak prevention, and similar work.

**SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1117: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1117 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1123: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1123 was placed on the Sixth order on the calendar.

Page 1, line 2, after the fourth comma insert "section 43-13-20,"

Page 1, line 13, overstrike "authorized to practice medicine in this state"

Page 1, line 14, after "~~applicable~~" insert "licensed under chapter 43-17"

Page 2, after line 18, insert:

"**SECTION 6. AMENDMENT.** Section 43-13-20 of the North Dakota Century Code is amended and reenacted as follows:

**43-13-20. Term of license - Renewal - Annual license fee - Continuing educational requirements.** A license to practice optometry in the state may be issued for one year only, but may be renewed by paying to the secretary of the board, during the month of ~~January~~ December of each year, the license fee for ~~that~~ the following year, ~~and as of January 1, 1974,~~ by submitting satisfactory proof to the board that within the preceding three-year period the applicant has attended optometric educational programs as required by the board. The board shall grant an applicant an additional year in which to attend ~~such~~ the education programs if an applicant furnishes the board with sufficient proof that the applicant has been unable to attend ~~such~~ the education programs during a year, which proof ~~shall~~ must include a physician's certificate stating that the applicant was ill and that it would have been hazardous to the applicant's health to attend ~~such~~ the educational programs. The license fee for each year must be determined annually by the North Dakota state board of optometry and be a reasonable sum fixed by the board. The board shall adopt reasonable rules ~~which that~~ which must state the type of optometric educational programs which are approved. The board ~~also~~ shall ~~also~~ designate the number of classroom hours which must be attended, ~~which will~~ must be a reasonable amount for each three-year period. Any person who does not meet these requirements by ~~February~~ January first of the year in which the license fee becomes due and payable is in default and may be reinstated by the board upon the payment of an additional sum reasonably fixed by the board, and upon the acceptance by the board of satisfactory evidence that the person has sufficiently attended approved optometric educational programs, and upon the compliance with other reasonable conditions the board may impose. ~~Nothing contained herein requires~~ This section does not require an applicant to become a member of the North Dakota optometric association or any other association of optometrists."

Page 2, line 25, after "optometrists" insert "or by licensed physicians"

Page 3, line 4, after "optometrists" insert "or by licensed physicians"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1135: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1135 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1142: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1142 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1143: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1143 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1145: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1145 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "or within ten days thereafter"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1148: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (7 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1148 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1168: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1168 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1217: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1217 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1220: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1220 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1253: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1253 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1256: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1256 was placed on the Sixth order on the calendar.

Page 2, line 18, replace "bears an" with "has reached its"

Page 2, line 19, remove "beyond the date it was donated or dispensed"

Page 3, line 17, replace "A" with "In the absence of intentional misconduct, a", replace "not liable" with "immune from civil or criminal liability", replace "or" with an underscored comma, and after "injury" insert ", death, or loss to person or property"

Page 3, line 18, remove "donation or" and after "transfer" insert ", donation, dispensing or acceptance"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3002: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3002 was placed on the Tenth order on the calendar.

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

**Buell J. Reich, Chief Clerk**

