

## JOURNAL OF THE HOUSE

## Sixtieth Legislative Assembly

\* \* \* \* \*

Bismarck, January 25, 2007

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

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

The roll was called and all members were present except Representatives Belter and Zaiser.

A quorum was declared by the Speaker.

## MOTION

**REP. MONSON MOVED** that HB 1348, which is on the Sixth order, be laid over three legislative days, which motion prevailed.

## MOTION

**REP. MONSON MOVED** that HB 1022, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1022 was rereferred.

## SIXTH ORDER OF BUSINESS

**SPEAKER DELZER DEEMED** approval of the amendments to HB 1114 and HB 1303.

HB 1114 and HB 1303, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## SECOND READING OF HOUSE BILL

**HB 1109:** A BILL for an Act to amend and reenact sections 23-37-02 and 23-37-17 of the North Dakota Century Code, relating to petroleum tank release compensation fund definitions and registration fees.

## 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; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froese; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; 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; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

Engrossed HB 1109 passed and the title was agreed to.

\*\*\*\*\*

## SECOND READING OF HOUSE BILL

**HB 1184:** A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to the use of handguns while hunting with bow and arrow or crossbow.

## 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 82 YEAS, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gulleeson; 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; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Nelson; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Weiler; Weisz; Wieland; Wolf; Wrangham; Speaker Delzer

**NAYS:** Conrad; Gruchalla; Kerzman; Metcalf; Mueller; Myxter; Nottestad; Wall; Williams

**ABSENT AND NOT VOTING:** Belter; Dahl; Zaiser

Engrossed HB 1184 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1202:** A BILL for an Act to create and enact a new section to chapter 43-10 of the North Dakota Century Code, relating to funeral establishment ownership disclosure.

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

**YEAS:** Dosch; Meier, L.; Onstad; Solberg; Thoreson; Weiler

**NAYS:** Aarsvold; Amerman; Bellew; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleeson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

HB 1202 lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1212:** A BILL for an Act to create and enact a new section to chapter 39-21 of the North Dakota Century Code, relating to the use of receiver hitches.

### 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, 92 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**NAYS:** 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; Gulleeson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; 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; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

HB 1212 lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1223:** A BILL for an Act to amend and reenact subsection 6 of section 43-30-01 of the North Dakota Century Code, relating to the definition of private security service.

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

**YEAS:** Boe; DeKrey; Froseth; Thorpe; Uglem; Weisz

**NAYS:** Aarsvold; Amerman; Bellew; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; 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; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

HB 1223 lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1234:** A BILL for an Act to create and enact a new section to chapter 39-10 of the North Dakota Century Code, relating to the use of flashing green lights.

### 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; 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.; Kaldor; 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; 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; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

HB 1234 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1235:** A BILL for an Act to amend and reenact sections 15-62.2-00.1 and 15-62.2-01 of the North Dakota Century Code, relating to participation in the North Dakota scholars program by students in cross-border attendance programs.

### 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; 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.; Kaldor; 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; 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; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

HB 1235 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1257:** A BILL for an Act to amend and reenact section 47-16-39.1 of the North Dakota Century Code, relating to the payment of oil and gas royalties when title to the property producing the oil and gas is in dispute.

### 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; 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.; Kaldor; 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; 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; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

Engrossed HB 1257 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1258:** A BILL for an Act to amend and reenact section 39-13-09 of the North Dakota Century Code, relating to tourist-oriented directional signs.

### 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; 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.; Kaldor; 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; 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; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

HB 1258 passed and the title was agreed to.

\*\*\*\*\*

**MOTION**

**REP. MONSON MOVED** that HB 1268, which is on the Eleventh order, be laid over two legislative days, and HB 1186 and HB 1187, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

**PRESENTATION OF SIX LIEUTENANT GOVERNORS OF NORTH DAKOTA**

Speaker Delzer introduced six Lieutenant Governors of the State of North Dakota. They are as follows:

Richard Larsen, 1969-1972  
Wayne Sanstead, 1973-1980  
Ernest (Jiggs) Sands, 1981-1984  
Lloyd Ohmdahl, 1987-1992  
Rosemarie Myrdal, 1992-2000  
Jack Dalrymple, 2000-present

**REMARKS OF MAJORITY LEADER BERG**

It is a rare occasion when six public servants from the same State office can be gathered in one place. I'm sure they have had an interesting discussion today comparing their experiences as Lt. Governors. In North Dakota, and throughout the nation for that matter, the role of Lt. Governor has changed a great deal over the years, more than any other state office.

In the busy time of this legislative session, we sometimes forget the many outstanding people who have served our State, not only in the state offices, but also in our own legislative assembly. Let us give a heartfelt thank you to all of our past public servants with a round of applause.

**MOTION**

**REP. MONSON MOVED** that the remarks of Majority Leader Berg be printed in the journal, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1274:** A BILL for an Act to amend and reenact subsection 3 of section 26.1-17-33.1 of the North Dakota Century Code, relating to the payment of dividends by a nonprofit mutual insurance company.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; 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; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

**NAYS:** Wald

**ABSENT AND NOT VOTING:** Amerman; Belter; Zaiser

HB 1274 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1282:** A BILL for an Act to amend and reenact section 61-16.1-40.1 of the North Dakota Century Code, relating to approval of assessments for maintenance of federally constructed flood control or soil conservation service projects.

**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 88 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleston; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; 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

**NAYS:** Carlson; Skarphol; Speaker Delzer

**ABSENT AND NOT VOTING:** Amerman; Belter; Zaiser

Engrossed HB 1282 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1291:** A BILL for an Act to amend and reenact section 37-28-04 of the North Dakota Century Code, relating to the death benefit for veterans; 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; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleston; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; 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; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

HB 1291 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1300:** A BILL for an Act to provide for a tire waste disposal fee.

**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 19 YEAS, 73 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Conrad; Ekstrom; Glassheim; Griffin; Gulleston; Hanson; Kaldor; Kelsh, S.; Meyer, S.; Owens; Potter; Schmidt; Schneider; Vig; Wolf; Wrangham

**NAYS:** Bellew; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Froelich; Froseth; Grande; Gruchalla; Haas; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Skarphol; Solberg; Sukut; Svedjan;

Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams;  
Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

Engrossed HB 1300 lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1301:** A BILL for an Act to amend and reenact subsection 7 of section 6-03-02 of the North Dakota Century Code, relating to the power of a bank to serve as a custodian for health savings accounts and health care cost funding accounts; 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; 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.; Kaldor; 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; 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;  
Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

HB 1301 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1302:** A BILL for an Act to amend and reenact subsection 1 of section 47-16-07.1 of the North Dakota Century Code, relating to security deposits.

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

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

**NAYS:** Dahl; Glassheim; Kroeber; Schneider; Thorpe; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

Engrossed HB 1302 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1310:** A BILL for an Act to amend and reenact section 39-10-03 of the North Dakota Century Code, relating to class A authorized emergency vehicle lights.

**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; 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.; Kaldor; 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; 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; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

HB 1310 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1350:** A BILL for an Act to amend and reenact section 43-15-35 of the North Dakota Century Code, relating to postgraduate medical residency training program pharmacies.

**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; 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.; Kaldor; 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; 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; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

HB 1350 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1410:** A BILL for an Act to create and enact a new section to chapter 51-25 of the North Dakota Century Code, relating to the nicotine yield of cigarettes sold in the state.

**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 29 YEAS, 62 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Boe; Boehning; Brandenburg; Charging; Damschen; Froelich; Glassheim; Gulleson; Headland; Herbel; Kaldor; Kingsbury; Mueller; Nelson; Pinkerton; Pollert; Potter; Price; Schneider; Skarphol; Solberg; Thorpe; Uglem; Vig; Weiler; Wolf; Wrangham

**NAYS:** Amerman; Berg; Boucher; Carlisle; Carlson; Clark; Conrad; Dahl; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Grande; Griffin; Gruchalla; Haas; Hanson; Hatlestad; Hawken; Heller; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Myxter;



Nottestad; Onstad; Owens; Pietsch; Porter; Ruby; Schmidt; Sukut; Svedjan; Thoreson; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Kelsh, S.; Zaiser

HB 1410 lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1137:** A BILL for an Act to create and enact three new sections to chapter 54-60 of the North Dakota Century Code, relating to the North Dakota American Indian business development office, the North Dakota women's business development office, and the international business and trade office; to amend and reenact sections 4-14.1-03, 10-30.5-03, 26.1-50-02, 54-34.3-06, 54-34.3-12, 54-60-04, and 55-01-01 of the North Dakota Century Code, relating to the composition of the agricultural products utilization commission, the North Dakota development fund, incorporated, board of directors, the North Dakota low-risk incentive fund governing board, the division of economic development and finance offices, the value-added agriculture promotion program, the North Dakota economic development foundation, the state historical board; and to repeal chapter 21-11 and sections 54-34.3-14 and 54-60-10 of the North Dakota Century Code, relating to the natural resources development bond issue, the international business and trade office, and the career guidance and job opportunities web site.

### 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; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; 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; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Brandenburg; Zaiser

Engrossed HB 1137 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1165:** A BILL for an Act to amend and reenact section 57-15-48 of the North Dakota Century Code, relating to the emergency fund balance limitation for cities; 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 37 YEAS, 54 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Charging; Conrad; DeKrey; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Guleson; Hanson; Hunsakor; Kaldor; Kelsh, S.; Kerzman; Klein; Kroeber; Metcalf; Meyer, S.; Mueller; Myxter; Nottestad; Onstad; Pinkerton; Potter; Price; Schmidt; Schneider; Solberg; Thorpe; Vig; Williams; Wolf

**NAYS:** Bellew; Berg; Boehning; Brandenburg; Carlisle; Carlson; Clark; Dahl; Damschen; Dietrich; Dosch; Drovdal; Froseth; Grande; Haas; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson; Nelson; Owens; Pietsch; Pollert; Porter; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Wald; Zaiser

HB 1165 lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1210:** A BILL for an Act to create and enact a new subsection to section 57-35.3-05, 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 a financial institution's tax credit and a corporate and individual income tax credit for contributions to community endowment funds; 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 35 YEAS, 57 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Charging; Conrad; Dahl; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Guleson; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Myxter; Nelson; Onstad; Pinkerton; Potter; Schmidt; Schneider; Solberg; Thorpe; Vig; Williams; Wolf

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

**ABSENT AND NOT VOTING:** Belter; Zaiser

HB 1210 lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1216:** A BILL for an Act to amend and reenact sections 12.1-20-03, 12.1-32-06.1, and 12.1-32-07.1 of the North Dakota Century Code, relating to sentencing and probation supervision of sexual offenders; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; 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; 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; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

HB 1216 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1293:** A BILL for an Act to create and enact a new section to chapter 43-17 and a new subsection to section 43-28-02 of the North Dakota Century Code, relating to the application of topical fluoride varnish and exemptions to the regulation of dentists; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; 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; 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; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

Engrossed HB 1293 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1313:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and two new sections to chapter 43-28 of the North Dakota Century Code, relating to criminal background checks for dentists and powers of the board of dental examiners; and to amend and reenact sections 43-20-12.2 and 43-20-13, subsection 1 of section 43-20-13.1, and sections 43-28-01, 43-28-02, 43-28-04, 43-28-05, 43-28-10, 43-28-11, 43-28-15, 43-28-17, and 43-28-18 of the North Dakota Century Code, relating to the regulation of dentists and dental assistants.

**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; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; 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; 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; Speaker Delzer

**ABSENT AND NOT VOTING:** Belter; Zaiser

Engrossed HB 1313 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1332:** A BILL for an Act to create and enact section 57-20-01.2 of the North Dakota Century Code, relating to waiver of penalties and interest on delinquent property taxes; to amend and reenact sections 15-08-19, 57-20-26, and 57-28-01 of the North Dakota Century Code, relating to the period of property tax delinquency before foreclosure of a tax lien; to provide an effective date; and to provide an expiration date.

**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 87 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch;

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.; 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; Speaker Delzer

**NAYS:** Drovdal; Ekstrom; Froelich; Kempenich; Kerzman

**ABSENT AND NOT VOTING:** Belter; Zaiser

HB 1332 passed and the title was agreed to.

\*\*\*\*\*

## SECOND READING OF HOUSE BILL

**HB 1405:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a December sales tax holiday contingent on general fund revenue receipts.

## ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 30 YEAS, 62 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleon; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Potter; Schmidt; Schneider; Solberg; Thorpe; Vig; Williams; Wolf

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

**ABSENT AND NOT VOTING:** Belter; Zaiser

HB 1405 lost.

\*\*\*\*\*

## COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on January 25, 2007, I have signed the following: HB 1040.

### 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 1052, HB 1081.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2109, SB 2167.

### 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 2011, SB 2025, SB 2030, SB 2045, SB 2050, SB 2066, SB 2117, SB 2135, SB 2145, SB 2163, SCR 4005.

## 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 12:00 p.m., Friday, January 26, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1046: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1046 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "section 15.1-29-04 and"

Page 1, line 2, after "tuition" insert ", transportation,"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 15.1-29-04 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-29-04. Payment of tuition and transportation by sending districts - Interest on late payments - Notification.** If the board of a school district agrees to pay tuition under this chapter, if it is required to pay tuition under this chapter, or if it is required to pay tuition and transportation under this chapter, the board of the sending district shall pay at least fifty percent of the annual ~~tuition~~ charge to the admitting district on or before December thirty-first and any remaining amount on or before May thirty-first. If payment is not received by the admitting district within thirty days after the date on which payment is due, simple interest at the rate of six percent per annum accrues to any amount due. If payment is not received by the admitting district within sixty days after the date on which payment is due, the admitting district shall notify the superintendent of public instruction."

Page 1, line 9, overstrike "an amount equal to the unpaid tuition"

Page 1, line 10, remove "and tutoring charges" and overstrike "from" and insert immediately thereafter "all"

Page 1, line 11, remove the overstrike over "until the", after "tuition" insert "total amount", remove the overstrike over "due has been fully paid", and remove "The superintendent"

Page 1, remove lines 12 through 14

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1061: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (22 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1061 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1066: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (23 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1066 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1079: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO NOT PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1079 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1083: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (23 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1083 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1125: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1125 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "funds" with "up to"

Page 1, remove line 11

Page 1, line 12, remove "period, may not exceed" and replace "per applicant" with "in loan repayment funds"

Page 2, line 5, remove "four-year"

Page 2, line 28, remove "(1)"

Page 3, line 1, replace "(2)" with "b." and replace "graduate specialty training" with "college of"

Page 3, line 2, remove "program in"

Page 3, line 3, remove "; or"

Page 3, remove line 4

Page 3, line 5, remove "optometry"

Page 3, line 6, replace "b." with "c."

Page 3, line 7, replace "a" with "two, three, or"

Page 3, line 8, remove "minimum of"

Page 3, replace lines 10 through 19 with:

"1. In selecting a community with a defined need for the services of an optometrist, the health council shall consider:

a. The size of the community and give priority:

(1) First to rural communities having a population under five thousand;

(2) Second to communities having a population between five thousand and ten thousand; and

(3) Third communities having a population greater than ten thousand."

Page 3, line 24, remove "The mix of optometry specialties in the community and surrounding area."

Page 3, line 25, remove "e."

Page 3, line 28, remove "or for an individual who is trained in an"

Page 3, line 29, remove "optometry specialty"

Page 4, line 3, after the first "of" insert "a" and after the third "of" insert "the"

Page 4, line 4, remove "An optometrist is"

Page 4, remove lines 5 through 20

Page 4, line 21, replace "43-13.1-07" with "43-13.1-06"

Page 5, replace lines 4 through 8 with:

"43-13.1-07. Loan repayment. Upon completing one year of service, as required by the contract, the optometrist is eligible to receive a loan payment in an amount equaling twenty percent of the applicant's original student loan. Upon completing a second year of service, as required by the contract, the optometrist is eligible to receive a loan payment in an amount equaling twenty percent of the applicant's original student loan. Upon completing a third year of service, as required by the contract, the optometrist is eligible to receive a loan payment in an amount equaling thirty percent of the applicant's original student loan. Upon completing a fourth year of service, as required by the contract, the optometrist is eligible to receive a loan payment in an amount equaling thirty percent of the applicant's original student loan. All payments under this section must be made to the issuer of the student loan. No individual may receive more than eighty thousand dollars under this section. If an

individual fails to complete an entire year of service, the amount repayable under this section for that year must be prorated."

Page 5, line 9, replace "43-13.1-09" with "43-13.1-08"

Page 5, line 25, replace "funds" with "up to"

Page 5, remove line 26

Page 5, line 27, remove "period, may not exceed" and replace "per applicant" with "in loan repayment funds"

Page 6, line 10, remove "four-year"

Page 6, line 12, after "to" insert "actively"

Page 7, line 3, remove "(1)"

Page 7, line 5, replace "(2)" with "b." and replace "graduate training program in" with "college of"

Page 7, line 7, remove "; or"

Page 7, remove line 8

Page 7, line 9, remove "veterinary medicine"

Page 7, line 10, replace "b." with "c."

Page 7, line 12, replace "a minimum of" with "two, three, or"

Page 7, replace lines 14 through 23 with:

"1. In selecting a community with a defined need for the services of a veterinarian, the health council shall consider:

a. The size of the community and give priority:

- (1) First to rural communities having a population under five thousand;
- (2) Second to communities having a population between five thousand and ten thousand; and
- (3) Third to communities having a population greater than ten thousand."

Page 8, line 4, remove "state health"

Page 8, line 6, after "of" insert "the" and remove "A"

Page 8, remove lines 7 through 21

Page 8, line 22, replace "43-29.1-07" with "43-29.1-06"

Page 9, replace lines 4 through 8 with:

"43-29.1-07. Loan repayment. Upon completing one year of service, as required by the contract, the veterinarian is eligible to receive a loan payment in an amount equaling twenty percent of the applicant's original student loan. Upon completing a second year of service, as required by the contract, the veterinarian is eligible to receive a loan payment in an amount equaling twenty percent of the applicant's original student loan. Upon completing a third year of service, as required by the contract, the veterinarian is eligible to receive a loan payment in an amount equaling thirty percent of the applicant's original student loan. Upon completing a fourth year of service, as required by the contract, the veterinarian is eligible to receive a loan payment in an amount equaling thirty percent of the applicant's original student loan. All payments under this section must be made to the issuer of the student loan. No individual may receive more than eighty thousand dollars under this section. If an

individual fails to complete an entire year of service, the amount repayable under this section for that year must be prorated."

Page 9, line 9, replace "43-29.1-09" with "43-29.1-08"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1126: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (21 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1126 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1149: Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1149 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1171: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1171 was placed on the Sixth order on the calendar.

Page 1, line 9, after "lands" insert "if that county has requested payment under this section and included certification of the number of mills levied for county road and bridge purposes"

Page 1, line 14, remove "must be at least ten" and overstrike "percent of the net revenue generated from the"

Page 1, overstrike lines 15 through 17

Page 1, line 18, overstrike "deposited in a permanent trust fund" and insert immediately thereafter "may not be in an amount greater than the amount of property taxes that would have been payable if the original grant lands in the county had been subject to property tax levies"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1177: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1177 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "Notwithstanding the provisions of any contract" with:

- "1. a. If, after the conclusion of a school calendar, the board of a school district has a teaching position vacant and if the board, having done all things necessary and proper, is unable to fill that position by the forty-fifth day prior to the start of the district's school calendar with an individual who is highly qualified and who meets reasonable criteria established by the board, the board shall notify the superintendent of public instruction that:
  - (1) A teaching position is vacant;
  - (2) The board has done all things necessary and proper after learning of the vacancy to find a suitable and highly qualified candidate; and
  - (3) The board will be unable to meet the statutory requirements for school approval if the position remains unfilled.
- b. Unless the superintendent of public instruction has reason to believe that the information contained in the notice as provided in subdivision a is not accurate, the superintendent shall authorize the board, notwithstanding the terms of any agreement negotiated under this chapter, to increase the compensation offered for that position to the extent deemed necessary by the board in order to attract a suitable and highly qualified individual. The compensation paid to a



successful applicant under this section may not be reduced in future years.

2. a. If a teaching position becomes vacant during a school calendar or less than forty-five days prior to the start of the school calendar, the board of a school district shall do all things necessary and proper to ensure that the vacancy causes only minimal disruption to the instruction of students and that the position becomes filled as quickly as possible by a highly qualified individual who meets the reasonable criteria established by the board. The board shall notify the superintendent of public instruction that the vacancy exists and that the board will be unable to meet the requirements for school approval if the position remains unfilled.
- b. Upon receipt of the notice as provided in subdivision a, the superintendent of public instruction shall contact the several education associations in this state and ask that they assist the board of the school district in any way possible to locate and employ an individual under the terms of the district's existing negotiated agreement. Only when the superintendent determines that all reasonable efforts have been unsuccessful may the superintendent authorize the board, notwithstanding the terms of any agreement negotiated under this chapter, to offer the level of compensation it deems necessary in order to attract a suitable and highly qualified individual for the duration of the school calendar.
3. If an individual resigns from a teaching position with a district, the individual may be rehired by the board of that district to fill a vacancy, but the individual is not eligible to receive a level of compensation greater than that provided for in the district's negotiated agreement.
4. If an individual has taught in this state during the preceding twelve months, the individual is not eligible to receive a level of compensation greater than that provided for in the district's negotiated agreement.
5. This section is applicable to contracts that are negotiated under this chapter and which take effect after July 31, 2007."

Page 1, remove lines 7 though 13

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1270: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1270 was placed on the Sixth order on the calendar.

Page 1, line 16, after "full" insert "six-hour" and remove ", or the hourly equivalent of two full days."

Page 1, line 17, remove "that are approved by an institution of higher education"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1333: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1333 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "fault."

Page 1, line 8, replace "into evidence or subject to" with "as evidence of liability or as an admission against interest"

Page 1, line 9, remove "discovery"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1347: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1347 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1351: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1351 was placed on the Sixth order on the calendar.

Page 1, line 14, remove the overstrike over "~~Expenses~~" and remove "Hospital, nursing facility, basic care facility, and other medical"

Page 1, line 15, remove "expenses" and after "illness" insert ", other than those incurred by medical assistance"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1404: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1404 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "Three" with "Five" and replace "two" with "three"

Page 1, line 11, replace "fraction" with "faction"

Page 1, line 12, replace "one" with "two"

Page 1, line 14, replace "Three" with "Five" and replace "two" with "three"

Page 1, line 15, replace "one" with "two"

Page 1, line 21, replace "designated" with "designate"

Page 2, line 5, replace "sustainability" with "sustainability"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1413: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1413 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1422: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1422 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1464: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1464 was placed on the Sixth order on the calendar.

Page 5, line 22, replace "a birth" with "an acknowledgement"

Page 5, line 23, remove "certificate or statement"

Page 8, line 27, after "or" insert ", except upon request,"

Page 10, line 10, replace the first "to" with "or"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1466: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1466 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1488: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (9 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1488 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1489: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1489 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1494: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1494 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1496: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1496 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1503: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1503 was placed on the Eleventh order on the calendar.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Reps. Mueller, Nelson, Wall and Sens. Klein, O'Connell, Wanzek introduced:

**HCR 3026:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing legislation for the enforcement and assessment of civil penalties for violation of the one-call excavation notice system.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. S. Kelsh, Dahl, Ekstrom, Hawken, Schneider and Sen. Potter introduced:

**HCR 3027:** A concurrent resolution honoring Bono in his humanitarian work in urging decisionmakers and religious leaders to set aside their philosophical differences to ease the burden of those who have the least among us.

Was read the first time and referred to the **Political Subdivisions Committee**.

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

**Buell J. Reich, Chief Clerk**

