

## JOURNAL OF THE HOUSE

## Sixtieth Legislative Assembly

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Bismarck, March 19, 2007

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

The prayer was offered by Pastor Mike Boyle with Evangelical Free Church of Bismarck.

The roll was called and all members were present except Representatives Brandenburg, S. Kelsh, Kerzman, and Thorpe.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 16, 2007, I have signed the following: HB 1199.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 19, 2007, I have signed the following: HB 1517.

**POINT OF PERSONAL PRIVILEGE**

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

Rep. Charging and I would like to recognize that North Dakota's 2007 version of March Madness has come to an end. The Parshall Braves, with a convincing win over the defending champion Dickinson Trinity Titans by a score of 49-36, have won the North Dakota Class B Boys Basketball Tournament this past Saturday, March 17, 2007.

The Parshall Braves, under the direction of Coach Ken Hall, using a ball-hawking defense combined with the scoring punch from the Packineau Twins, Nathaniel and Neal, and Rudy Youngbird. They teamed up to score 152 of the 176 total points in the tournament for the Braves.

The Braves defeated Hankinson in the first round 54-52. They defeated North Border 86-65 to advance to the championship game and then went on to defeat the Dickinson Trinity Titans 49-36.

Nathaniel Packineau, along with teammate Rudy Youngbird were awarded All Tournament Honors. Nathaniel Packineau was also awarded Most Valuable Player and Co-Senior Athlete along with Luke Lorenz of May-Port Clifford Gailsburg.

It has been 32 years for the Parshall Braves to last win the coveted award in Class B Basketball in North Dakota. They are a fine example of two cultures coming together to win this award.

In tune with the first verse of their school, "Hats off to Parshall High School!"

**MOTION**

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

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that Reengrossed SB 2186, which is on the Fourteenth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, Reengrossed SB 2186 was rereferred.

**SIXTH ORDER OF BUSINESS**

**SPEAKER DELZER DEEMED** approval of the amendments to SB 2077, Engrossed SB 2100, Engrossed SB 2169, SB 2194, Engrossed SB 2232, SB 2238, SB 2310, and Reengrossed SB 2379.

SB 2077, Engrossed SB 2100, Engrossed SB 2169, SB 2194, Engrossed SB 2232, SB 2238, SB 2310, and Reengrossed SB 2379, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

### SECOND READING OF SENATE BILL

**SB 2154:** A BILL for an Act to amend and reenact section 26.1-36-37.2 of the North Dakota Century Code, relating to loss ratios.

### 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 65 YEAS, 24 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Amerman; Boe; Boucher; Delmore; Froelich; Glassheim; Griffin; Guleson; Hanson; Kaldor; Kroeber; Meyer, S.; Mueller; Myxter; Onstad; Price; Schmidt; Schneider; Solberg; Vig; Weisz; Wolf; Zaiser

**ABSENT AND NOT VOTING:** Brandenburg; Conrad; Kelsh, S.; Kerzman; Thorpe

Engrossed SB 2154, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2222:** A BILL for an Act to amend and reenact sections 28-24-01, 28-24-02, 28-24-03, 28-24-04, 28-24-05, 28-24-06, 28-24-07, 28-24-10, 28-24-13, and 28-24-14 of the North Dakota Century Code, relating to redemption of property.

### 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 89 YEAS, 1 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; 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.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Meyer, S.

**ABSENT AND NOT VOTING:** Brandenburg; Kelsh, S.; Kerzman; Thorpe

Engrossed SB 2222, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2224:** A BILL for an Act to create and enact a new subsection to section 57-38.5-03 of the North Dakota Century Code, relating to the eligibility for the seed capital investment tax credit for investments made by an angel fund; to amend and reenact subsection 6 of section 57-38.5-01 of the North Dakota Century Code, relating to the definition of taxpayer for purposes of the seed capital investment tax credit; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 65 YEAS, 24 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Berg; Boehning; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Droydal; Froseth; Glassheim; Grande; Gruchalla; Haas; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Johnson, D.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson; Mueller; Nelson; Nottestad; Owens; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser

**NAYS:** Amerman; Belter; Boe; Boucher; Conrad; Froelich; Griffin; Gulleson; Hanson; Hunskor; Johnson, N.; Kroeber; Metcalf; Meyer, S.; Myxter; Onstad; Potter; Schmidt; Schneider; Solberg; Vig; Wolf; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Brandenburg; Ekstrom; Kelsh, S.; Kerzman; Thorpe

Engrossed SB 2224, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2319:** A BILL for an Act to amend and reenact sections 19-03.1-01 and 19-03.4-08 of the North Dakota Century Code, relating to definitions and the sale of scheduled listed chemical products; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Brandenburg; Kelsh, S.; Kerzman; Thorpe

SB 2319, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2363:** A BILL for an Act to amend and reenact section 57-38-01.21 of the North Dakota Century Code, relating to an individual or corporate income tax credit for planned gifts to nonprofit organizations and contributions to qualified endowments held by nonprofit organizations; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 41 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boe; Boucher; Charging; Conrad; Dahl; DeKrey; Delmore; Dosch; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleson; Hanson; Hawken; Hunskor; Johnson, N.; Kaldor; Kelsch, R.; Kingsbury; Klein; Klemin; Koppelman; Kretschmar; Kroeber; Meier, L.; Metcalf; Meyer, S.; Mueller; Myxter; Nottestad; Onstad; Owens; Pinkerton; Potter; Schmidt; Schneider; Solberg; Svedjan; Vig; Wald; Weiler; Weisz; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Carlisle; Carlson; Clark; Damschen; Dietrich; Drovdal; Froseth; Grande; Haas; Hatlestad; Headland; Heller; Herbel; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kempenich; Kreidt; Martinson; Monson; Nelson; Pietsch; Pollert; Porter; Ruby; Skarphol; Sukut; Thoreson; Uglem; Vigesaa; Wall; Wieland; Williams; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Brandenburg; Kelsh, S.; Kerzman; Price; Thorpe

Reengrossed SB 2363, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2237:** A BILL for an Act to amend and reenact sections 16.1-02-07, 16.1-02-09, 16.1-02-13, and 16.1-02-15 of the North Dakota Century Code, relating to the central voter file.

#### ROLL CALL

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

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

**NAYS:** Mueller

**ABSENT AND NOT VOTING:** Brandenburg; Kelsh, S.; Kerzman; Price; Thorpe

Engrossed SB 2237 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2239:** A BILL for an Act to amend and reenact subsection 1 of section 16.1-13-17 and sections 16.1-13-22 and 16.1-13-27 of the North Dakota Century Code, relating to general election provisions.

#### 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, 2 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Schmidt; Solberg

**ABSENT AND NOT VOTING:** Brandenburg; Kelsh, S.; Kerzman; Price; Thorpe

Engrossed SB 2239 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2278:** A BILL for an Act to create and enact a new section to chapter 11-33, a new section to chapter 23-01, and a new section to chapter 58-03 of the North Dakota Century Code, relating to county and township zoning regulation of concentrated animal feeding operations and a repository for zoning regulations.

**ROLL CALL**

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; 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; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Boe

**ABSENT AND NOT VOTING:** Brandenburg; Kerzman; Koppelman; Price; Thorpe

SB 2278 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2321:** A BILL for an Act to create and enact two new sections to chapter 54-44.3 of the North Dakota Century Code, relating to authorizing political subdivisions to request an exemption from coverage under the state merit system.

**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 65 YEAS, 26 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Berg; Boe; Boucher; Charging; Clark; Conrad; Damschen; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Haas; Hatlestad; Hawken; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Potter; Price; Ruby; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Wall; Wieland; Williams; Wolf; Wrangham; Zaiser

**NAYS:** Amerman; Belter; Boehning; Carlisle; Carlson; Dahl; DeKrey; Dietrich; Dosch; Drovdal; Froseth; Grande; Gulleson; Hanson; Headland; Karls; Kempenich; Meyer, S.; Pollert; Porter; Skarphol; Vigesaa; Wald; Weiler; Weisz; Speaker Delzer

**ABSENT AND NOT VOTING:** Brandenburg; Kerzman; Thorpe

SB 2321 passed and the title was agreed to.

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**MOTION**

**REP. MONSON MOVED** that SB 2347, which is on the Fourteenth order, be laid over three legislative days, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2365:** A BILL for an Act relating to a legislative council study of grain inspection and grading procedures.

**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 31 YEAS, 60 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Charging; Conrad; Dosch; Ekstrom; Froelich; Glassheim; Griffin; Hanson; Hofstad; Keiser; Kelsh, S.; Kempenich; Kroeber; Metcalf; Meyer, S.; Mueller; Nelson; Onstad; Pinkerton; Potter; Ruby; Schmidt; Schneider; Solberg; Vig; Wall; Wolf; Zaiser

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehning; Carlisle; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovda; Froseth; Grande; Gruchalla; Gulleson; Haas; Hatlestad; Hawken; Headland; Heller; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson; Myxter; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Brandenburg; Kerzman; Thorpe

Engrossed SB 2365 lost.

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**SECOND READING OF SENATE BILL**

**SB 2117:** A BILL for an Act to provide for fair practices in potato production contracting; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; 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.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Brandenburg; Kerzman; Thorpe

SB 2117 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2155:** A BILL for an Act to create and enact chapter 26.1-34.2 of the North Dakota Century Code, relating to suitability in annuity transactions; 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 71 YEAS, 20 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlisle; Charging; Clark; Conrad; Dahl; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleson; Hanson; Hatlestad; Hawken; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Porter; Potter; Ruby; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wall; Wieland; Williams; Wolf; Wrangham; Zaiser

**NAYS:** Carlson; Damschen; Drovda; Froseth; Grande; Haas; Headland; Heller; Karls; Klein; Kreidt; Metcalf; Monson; Pollert; Price; Skarphol; Wald; Weiler; Weisz; Speaker Delzer

**ABSENT AND NOT VOTING:** Brandenburg; Kerzman; Thorpe

Engrossed SB 2155 passed and the title was agreed to.

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**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House stand in recess until 2:30 p.m., at which time the House will be on a Special Order of Business, which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Delzer presiding.

**MOTION**

**REP. BERG MOVED** that the House be on a Special Order of Business, which motion prevailed.

**CHANGE OF CHAIR**

**SPEAKER DELZER YIELDED** the Chair to Rep. Herbel.

**HOUSE MEMORIAL SERVICE**

**Memorial Service Committee**

Representative Gil Herbel, Co-Chairman  
Representative Kathy Hawken, Co-Chairwoman  
Representative Don Vigesaa  
Representative Ole Aarsvold  
Representative Ralph Metcalf

**Invocation**

Representative Ralph Metcalf

**"The Wind Beneath My Wings"**

Phyllis Schindele  
Former Miss North Dakota from Park River, ND

**Poem**

Composed and read by  
Representative Kathy Hawken

**First and Second Reading of Memorial Resolution**

**"You'll Never Walk Alone"**

Phyllis Schindele

**"God Bless America" Sing-Along**

Lead by Phyllis Schindele

**Benediction**

Representative Ole Aarsvold

**MOTION**

**REP. BERG MOVED** that the House be on the Ninth order of business, First Readings of House Bills and Resolutions, which motion prevailed.

**FIRST READING OF HOUSE MEMORIAL RESOLUTION**

Memorial Resolutions Committee introduced:

**HMR 7001:** A memorial resolution for deceased members of the House of Representatives of North Dakota.

Was read the first time.

**MOTION**

**REP. BERG MOVED** that the rules be suspended, that HMR 7001 not be printed, 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.

Memorial Resolutions Committee introduced:

**HOUSE MEMORIAL RESOLUTION NO. 7001**

A memorial resolution for deceased members of the House of Representatives of North Dakota.

**WHEREAS**, God has welcomed to their eternal home our former colleagues:

Pershing Boe, who served in the 37th Legislative Assembly, from District 9, died December 10, 2006;

Curtis E. Brekke, who served in the 56th and 57th Legislative Assemblies, from District 15, died August 31, 2006;

Chris Christopherson, who served in the 53rd through the 55th Legislative Assemblies, from District 11, died October 26, 2006;

John D. Crabtree, who served in the 45th through the 47th Legislative Assemblies, from District 26, died July 9, 2006;

Donald Hawk Crothers, who served in the 33rd Legislative Assembly, from District 9, died December 16, 2005;

Helen Claire Ferguson, who served in the 40th Legislative Assembly, from District 12, died February 2, 2007;

Melfred Hogenson, who served in the 36th Legislative Assembly, from District 22, died November 1, 2006;

James N. Kent, who served in the 40th Legislative Assembly, from District 19, died March 12, 2005;

Harley R. Kingsbury, who served in the 40th through the 43rd and the 46th through the 51st Legislative Assemblies, from District 16, died April 24, 2006;

Richard Kouba, who served in the 51st Legislative Assembly, from District 35, died July 2, 2005;

Tom Kuchera, who served in the 45th through the 47th Legislative Assemblies, from District 18, and in the 48th through the 50th Legislative Assemblies, from District 17-18, died September 2, 2006;

Violetta S. LaGrave, who served in the 43rd Legislative Assembly, from District 34, died November 10, 2005;

Theodore A. Lang, who served in the 39th Legislative Assembly, from District 27; in the 40th through the 42nd Legislative Assemblies, from District 32; and in the 43rd through the 51st Legislative Assemblies, from District 31, died March 5, 2006;

C. Arnold Lillehaugen, who served in the 40th and 41st Legislative Assemblies, from District 17, died April 10, 2006;

Ted G. Maragos, who served in the 37th and 38th Legislative Assemblies, from District 29, died October 25, 2006;

Edward Metzger, who served in the 40th through the 44th Legislative Assemblies, from District 32, died July 2, 2006;

Bert Miller, who served in the 42nd, 44th, and 45th Legislative Assemblies, from District 14, died August 14, 2006;

Clifford Moquist, who served in the 40th and 41st Legislative Assemblies, from District 11, died December 19, 2005;

Olaf Opedahl, who served in the 38th and 39th Legislative Assemblies, from District 45, and in the 40th through the 50th Legislative Assemblies, from District 2, died May 3, 2005;

Everett N. Paulsen, who served in the 38th Legislative Assembly, from District 10, died April 8, 2006;

Denver Rosberg, who served in the 34th Legislative Assembly, from District 46, died February 28, 2005;

Charles A. Russell, who served in the 45th Legislative Assembly, from District 48, died July 26, 2006;

Don Shide, who served in the 48th through the 54th Legislative Assemblies, from District 19, died November 25, 2006;

Bryce Streibel, who served in the 35th, 36th, 38th, and 39th Legislative Assemblies, from District 33, and in the 40th through the 43rd Legislative Assemblies, from District 14, died August 13, 2006;

Marvin Tollefson, who served in the 40th Legislative Assembly, from District 13, died July 29, 2006;

Wilbur Vander Vorst, who served in the 43rd through the 51st Legislative Assemblies, from District 30, died November 8, 2005;

Robert Wells, who served in the 40th and 41st Legislative Assemblies, from District 10, died March 1, 2005; and

**WHEREAS**, we now pause to mourn the passing of our former House colleagues and to honor their memories; and

**WHEREAS**, these legislators rendered outstanding service to the people of the state by their contributions to public service;



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

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

**BE IT FURTHER RESOLVED**, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the House of Representatives and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased representatives.

**SECOND READING OF HOUSE MEMORIAL RESOLUTION**

**HMR 7001:** A memorial resolution for deceased members of the House of Representatives of North Dakota.

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

HMR 7001 was declared adopted and the title was agreed to, on a voice vote.

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**CHANGE OF CHAIR**

**REP. HERBEL YIELDED** the Chair to Speaker Delzer.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1099, HB 1135, HB 1169, HB 1299, HB 1328, HB 1331, HB 1350, HB 1411, HB 1452, HB 1476, HB 1479, HCR 3002, HCR 3008, HCR 3012, HCR 3013, HCR 3024, HCR 3025, HCR 3026, HCR 3031, HCR 3039, HCR 3048, HCR 3056, HCR 3063.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2049, SB 2212, SB 2221, SB 2273, SB 2308, SB 2317, SB 2350, SB 2357, SB 2358, SB 2366, SB 2368, SB 2378, SB 2415.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2049, SB 2212, SB 2221, SB 2273, SB 2308, SB 2317, SB 2350, SB 2357, SB 2358, SB 2366, SB 2368, SB 2378, SB 2415.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2319.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2117, SB 2155, SB 2237, SB 2239, SB 2278, SB 2321.

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

**MR. PRESIDENT:** The House has failed to pass: SB 2365.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2154, SB 2222, SB 2224.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1027.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1038.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1164.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1093, HB 1129, HB 1422.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1093**

Page 1, line 3, after "fund" insert "; to provide legislative intent"

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

Page 1, after line 19, insert:

**"SECTION 2. LEGISLATIVE INTENT - LIGNITE LITIGATION.** It is the intent of the legislative assembly that \$500,000 of the amount allocated to the lignite research fund in section 1 of this Act is to be used to pay for fees associated with lignite litigation which may be brought by the state to protect and promote the continued development of lignite resources."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1129**

Page 3, line 9, after "current" insert "or surviving"

Page 17, line 6, after "board" insert ", or a funeral director reporting the facts of death"

Page 17, line 8, after the underscored period insert "A certified copy of a death record that includes the facts of death and the social security number may be issued to any person that may obtain a certified copy of a death record or to any licensed attorney who requires the copy for a bona fide legal determination."

Page 23, line 5, overstrike "The sexton is not"

Page 23, line 6, overstrike "required to record the cause of death or the color of the deceased."

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1422**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 50-24.6-04 of the North Dakota Century Code, relating to the prior authorization program; to provide for review by the drug utilization review board; to provide for a report to the legislative council; to provide an effective date; and to provide an expiration date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 50-24.6-04 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.6-04. (Effective through July 31, ~~2007~~ 2009) Prior authorization program.**

1. The department shall develop and implement a prior authorization program that meets the requirements of 42 U.S.C. 1396r-8(d) to determine coverage of drug products when a medical assistance recipient's health care provider prescribes a drug that is identified as requiring prior authorization. Authorization must be granted for provision of the drug if:
  - a. The drug not requiring prior authorization has not been effective, or with reasonable certainty is not expected to be effective, in treating the recipient's condition;
  - b. The drug not requiring prior authorization causes or is reasonably expected to cause adverse or harmful reactions to the health of the recipient; or
  - c. The drug is prescribed for a medically accepted use supported by a compendium or by approved product labeling unless there is a therapeutically equivalent drug that is available without prior authorization.
2. For any drug placed on the prior authorization program, the department shall provide medical and clinical criteria, cost information, and utilization data to the drug use review board for review and consideration. The board

may consider department data and information from other sources to make a decision about placement of the drug on prior authorization.

3. Except for quantity limits that may be no less than the pharmaceutical manufacturer's package insert or AB-rated generic equivalent drug for which the cost to the state postrebate is less than the brand name drugs, in the aggregate, the department may not prior authorize or otherwise restrict single-source or brand name antipsychotic, antidepressant, or other medications used to treat mental illnesses, such as schizophrenia, depression, or bipolar disorder, and drugs prescribed for the treatment of:
  - a. Acquired immune deficiency syndrome or human immunodeficiency virus; and
  - b. Cancer.
4. The department may use contractors to collect and analyze the documentation required under this section and to facilitate the prior authorization program.
5. The department shall consult with the board in the course of adopting rules to implement the prior authorization program. The rules must:
  - a. Establish policies and procedures necessary to implement the prior authorization program.
  - b. Develop a process that allows prescribers to furnish documentation required to obtain approval for a drug without interfering with patient care activities.
  - c. Allow the board to establish panels of physicians and pharmacists which provide expert guidance and recommendations to the board in considering specific drugs or therapeutic classes of drugs to be included in the prior authorization program.

**(Effective after July 31, 2007 2009) Prior authorization program.**

1. The department shall develop and implement a prior authorization program that meets the requirements of 42 U.S.C. 1396r-8(d) to determine coverage of drug products when a medical assistance recipient's health care provider prescribes a drug that is identified as requiring prior authorization. Authorization must be granted for provision of the drug if:
  - a. The drug not requiring prior authorization has not been effective, or with reasonable certainty is not expected to be effective, in treating the recipient's condition;
  - b. The drug not requiring prior authorization causes or is reasonably expected to cause adverse or harmful reactions to the health of the recipient; or
  - c. The drug is prescribed for a medically accepted use supported by a compendium or by approved product labeling unless there is a therapeutically equivalent drug that is available without prior authorization.
2. For any drug placed on the prior authorization program, the department shall provide medical and clinical criteria, cost information, and utilization data to the drug use review board for review and consideration. The board may consider department data and information from other sources to make a decision about placement of the drug on prior authorization.
3. The department may use contractors to collect and analyze the documentation required under this section and to facilitate the prior authorization program.
4. The department shall consult with the board in the course of adopting rules to implement the prior authorization program. The rules must:

- a. Establish policies and procedures necessary to implement the prior authorization program.
- b. Develop a process that allows prescribers to furnish documentation required to obtain approval for a drug without interfering with patient care activities.
- c. Allow the board to establish panels of physicians and pharmacists which provide expert guidance and recommendations to the board in considering specific drugs or therapeutic classes of drugs to be included in the prior authorization program.

**SECTION 2. DRUG UTILIZATION REVIEW BOARD REVIEW - REPORT TO LEGISLATIVE COUNCIL.** During the 2007-08 interim, the drug utilization review board shall review the utilization, cost, and effectiveness of the drugs identified in subsection 3 of section 50-24.6-04 and make recommendations for managing the utilization of the identified drugs or of any other drugs for the conditions identified in that subsection. The drug utilization review board shall make semiannual reports of its progress and a final report, due by October 1, 2008, of its findings and recommendations for legislative changes to a committee of the legislative council, including any legislation necessary to make the suggested changes. The legislative council shall receive the board's report and report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

#### MOTION

**REP. BERG MOVED** that the Special Order of Business be dissolved and that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 20, 2007, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2060, as reengrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2060 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide for a legislative council study;"

Page 1, line 20, overstrike "who" and insert immediately thereafter "that" and overstrike "any of the"

Page 1, line 21, overstrike "provisions of this chapter"

Page 1, line 22, after the overstruck comma insert "section 43-18-10, 43-18-11, 43-18-11.4, 43-18-17.2, or 43-18-23 or works under the license of another person in a manner that is in violation of section 43-18-13" and remove ", unless a different penalty is"

Page 1, line 23, remove "otherwise specifically provided"

Page 1, after line 23, insert:

**"SECTION 3. LEGISLATIVE COUNCIL STUDY - CRIMINAL PENALTIES FOR VIOLATING OCCUPATIONAL LICENSURE LAWS AND RULES.** The legislative council shall consider studying, during the 2007-08 interim, the laws providing criminal penalties for violation of the state's laws and administrative rules regulating occupations and professions. The study must include consideration of whether it is the desired public policy of this state to have laws that create criminal penalties applicable to entire chapters of the North Dakota Century Code and entire titles of the North Dakota Administrative Agencies Practice Act regulating occupations and professions. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2145: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2145 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2249, as reengrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (22 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Reengrossed SB 2249, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2375, as engrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (18 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2375, as amended, was placed on the Fourteenth order on the calendar.

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

**Buell J. Reich, Chief Clerk**

