

## JOURNAL OF THE HOUSE

## Sixtieth Legislative Assembly

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Bismarck, March 21, 2007

The House convened at 4:00 p.m., with Speaker Delzer presiding.

The prayer was offered by Pastor Sammy Allen with Faith Center Church of God of Prophecy, Bismarck.

The roll was called and all members were present except Representatives Klein and Thorpe.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 21, 2007, I have signed the following: HB 1081, HB 1099, HB 1101, HB 1135, HB 1158, HB 1179, HB 1324, HB 1331, HB 1346, HB 1357, HB 1358, and HB 1378.

**SIXTH ORDER OF BUSINESS**

**SPEAKER DELZER DEEMED** approval of the amendments to Reengrossed SB 2032, Engrossed SB 2172, and Engrossed SB 2397.

Reengrossed SB 2032 and Engrossed SB 2397, as amended, were rereferred to the **Appropriations Committee**.

Engrossed SB 2172, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**SECOND READING OF SENATE BILL**

**SB 2344:** A BILL for an Act to amend and reenact sections 15-10-17.4 and 15.1-35-08 of the North Dakota Century Code, relating to the provision of food and catering services by institutions of higher education and school districts.

**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 80 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; 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; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Meyer, S.; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Potter; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham

**NAYS:** Conrad; Keiser; Kelsch, R.; Kroeber; Metcalf; Monson; Porter; Price; Weiler; Wolf; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Klein; Thorpe

Engrossed SB 2344, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2160:** A BILL for an Act to amend and reenact section 44-04-18.15 of the North Dakota Century Code, relating to records of nonprofit organizations providing support for higher education institutions.

**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 84 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; Delmore; Dosch; Drovdal; Ekstrom; Froelich; Glassheim; Grande; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; 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; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Bellew; DeKrey; Dietrich; Froseth; Griffin; Keiser; Schneider; Weisz

**ABSENT AND NOT VOTING:** Klein; Thorpe

Engrossed SB 2160 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2201:** A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to establishing a North Dakota hunter educators association antelope license raffle.

**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 85 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; 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; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** DeKrey; Kasper; Keiser; Nottestad; Ruby; Skarphol; Wald

**ABSENT AND NOT VOTING:** Klein; Thorpe

Engrossed SB 2201 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2305:** A BILL for an Act to amend and reenact section 24-05-10 of the North Dakota Century Code, relating to the membership of a special board to fix damages in county highway right of way condemnations.

**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, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; 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; 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:** Headland; Pollert

**ABSENT AND NOT VOTING:** Thorpe

SB 2305 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2077:** A BILL for an Act to amend and reenact subsection 1 of section 54-17.7-08 as created by House Bill No. 1128, section 64-02-02, and subsection 1 of section 64-02-07 of the North Dakota Century Code, relating to the applicability of pipeline safety jurisdiction to the pipeline authority, the installation of weighing or measuring devices, and the maintenance of state weights and measures standards.

#### **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, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Froelich; Kerzman; Nelson; Schmidt; Solberg

**ABSENT AND NOT VOTING:** Thorpe

SB 2077, as amended, passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2100:** A BILL for an Act to amend and reenact sections 50-25.1-02, 50-25.1-03, 50-25.1-03.1, 50-25.1-04.4, and 50-25.1-05 and subsection 4 of section 50-25.1-11 of the North Dakota Century Code, relating to definitions, persons required and permitted to report child abuse, persons allowed access to child fatality review panel records, who may investigate reports of child abuse or neglect when the accused is not a person responsible for the child's health or welfare, information available for use in assessments, and information that may be provided to a person who is the subject of a report alleging child abuse or neglect.

#### **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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; 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; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Thorpe

Engrossed SB 2100, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2169:** A BILL for an Act to amend and reenact sections 57-40.6-01, 57-40.6-02, 57-40.6-03, 57-40.6-04, 57-40.6-05, 57-40.6-06, 57-40.6-08, 57-40.6-10, and 57-40.6-12 of the North Dakota Century Code, relating to the application, collection, and use of emergency services communication fees; to repeal section 57-40.6-11 of the North Dakota Century Code, relating to a report on all standards and guidelines; and to provide for a legislative council study.

**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 78 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Conrad; Dahl; Damschen; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Schmidt; Schneider; Solberg; Sukut; Svedjan; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Zaiser

**NAYS:** Bellew; Charging; Clark; DeKrey; Dosch; Kasper; Keiser; Meier, L.; Nottestad; Owens; Ruby; Skarphol; Thoreson; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Thorpe

Engrossed SB 2169, as amended, passed and the title was agreed to.

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

**MR. SPEAKER:** The President has signed: HB 1038, HB 1164.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SCR 4004, SCR 4011, SCR 4013, SCR 4015, SCR 4020, SCR 4021, SCR 4031.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1119, HB 1124, HB 1274, HB 1400, HB 1450, HB 1455, HB 1471, HB 1511, HCR 3037, HCR 3057, HCR 3061.

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

**MR. PRESIDENT:** The Speaker has signed: 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 Speaker has signed: SCR 4004, SCR 4011, SCR 4013, SCR 4015, SCR 4020, SCR 4021, SCR 4031.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1008, HB 1013, HB 1024, HB 1055, HB 1059, HB 1063, HB 1067, HB 1078, HB 1081, HB 1082, HB 1090, HB 1101, HB 1118, HB 1121, HB 1135, HB 1158, HB 1161, HB 1162, HB 1179, HB 1181, HB 1183, HB 1225, HB 1231, HB 1299, HB 1328, HB 1331, HB 1346, HB 1350, HB 1355, HB 1357, HB 1358, HB 1369, HB 1378, HB 1381, HB 1386, HB 1393, HB 1396, HB 1398, HB 1411, HB 1414.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1099, HB 1324, HB 1425, HB 1452, HB 1476, HB 1479, HB 1506.

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

**MR. PRESIDENT:** The Speaker has signed: HCR 3002, HCR 3008, HCR 3012, HCR 3013, HCR 3024, HCR 3039.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on March 21, 2007: HCR 3002, HCR 3008, HCR 3012, HCR 3013, HCR 3024, HCR 3039.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 21, 2007: HB 1008, HB 1013, HB 1024, HB 1055, HB 1059, HB 1063, HB 1067, HB 1078, HB 1081, HB 1082, HB 1090, HB 1101, HB 1118, HB 1121, HB 1135, HB 1158, HB 1161, HB 1162, HB 1179, HB 1181, HB 1183, HB 1225, HB 1231, HB 1299, HB 1328, HB 1331, HB 1346, HB 1350, HB 1355, HB 1357, HB 1358, HB 1369, HB 1378, HB 1381, HB 1386, HB 1393, HB 1396, HB 1398, HB 1411, HB 1414.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 21, 2007: HB 1099, HB 1324, HB 1425, HB 1452, HB 1476, HB 1479, HB 1506.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2160, SB 2201, SB 2305.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2077, SB 2100, SB 2169, SB 2344.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, March 22, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2349, as reengrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2349 was placed on the Fourteenth order on the calendar.

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

**Buell J. Reich, Chief Clerk**

