

## JOURNAL OF THE HOUSE

## Sixtieth Legislative Assembly

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Bismarck, January 10, 2007

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

The prayer was offered by Pastor Doug Wyatt, First Nazarene Church, Mandan.

The roll was called and all members were present except Representative Glassheim.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully reexamined the Journal of the Fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 73, after line 39, insert:

## "REPORT OF STANDING COMMITTEE

**HB 1084: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1084 was placed on the Eleventh order on the calendar."

Page 74, after line 13, insert:

## "REPORT OF STANDING COMMITTEE

**HB 1101: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1101 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

**HB 1108: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1108 was placed on the Eleventh order on the calendar."

**REP. KRETSCHMAR MOVED** that the report be adopted, which motion prevailed.

## REPORT OF STANDING COMMITTEE

**HB 1028: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1028 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

**HB 1076: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1076 was placed on the Sixth order on the calendar.

Page 1, line 3, after "the" insert "North Dakota"

Page 2, line 23, remove the overstrike over "œ" and remove the underscored comma

Page 2, line 24, remove ", or the high school education program"

Page 2, line 25, remove "at the youth correctional center"

Page 2, after line 25, insert:

"7. The requirements of subdivisions g and h of subsection 1 do not apply to the North Dakota youth correctional center."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1102: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1102 was placed on the Eleventh order on the calendar.

**SIXTH ORDER OF BUSINESS**

**SPEAKER DELZER DEEMED** approval of the amendments to HB 1035 and HB 1076.

HB 1035 and HB 1076, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. MONSON MOVED** that HB 1124 be returned to the House floor from the **Agriculture Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1124 was rereferred.

**MOTION**

**REP. MONSON MOVED** that HB 1279 be returned to the House floor from the **Finance and Taxation Committee** and be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1279 was rereferred.

**MOTION**

**REP. MONSON MOVED** that HB 1296 be returned to the House floor from the **Industry, Business and Labor Committee** and be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1296 was rereferred.

**MOTION**

**REP. MONSON MOVED** that HB 1298 be returned to the House floor from the **Political Subdivisions Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1298 was rereferred.

**MOTION**

**REP. KEISER MOVED** that HB 1153 be returned to the House floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**REP. GULLESON REQUESTED** the unanimous consent of the House to withdraw HB 1153. There being no objection, it was so ordered by the Speaker.

**MOTION**

**REP. MONSON MOVED** that HB 1028 be laid over one legislative day, which motion prevailed.

**POINT OF PERSONAL PRIVILEGE**

**REP. BOUCHER:** Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Rep. Ralph Metcalf was the recipient on January 9, 2007, of the National Guard Employer Support of the Guard and Reserve Award.

The award was based on Rep. Metcalf's 51 years of service with the National Guard.

Rep. Metcalf is the only person in North Dakota to have received this award.

**MOTION**

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

**SECOND READING OF HOUSE BILL**

**HB 1065:** A BILL for an Act to amend and reenact section 54-53-02 of the North Dakota Century Code, relating to the membership of the advisory transportation council of the upper great plains transportation institute.

**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; 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; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Glassheim

Engrossed HB 1065 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1071:** A BILL for an Act to amend and reenact subsection 1 of section 11-10.1-01, section 57-02-08.2, subsections 3 and 6 of section 57-02-27.2, section 57-20-08, and subsection 3 of section 57-60-01 of the North Dakota Century Code, relating to removal of obsolete language, transfer of funds to the state medical center, appeals of determinations on inundated agricultural land applications, tax receipts filed with county auditors, and coal conversion facilities; and to repeal section 57-29-04 of the North Dakota Century Code, relating to tax sale certificates on state-acquired land.

### 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 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; 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; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Glassheim

HB 1071 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1072:** A BILL for an Act to create and enact a new section to chapter 57-06 of the North Dakota Century Code, relating to taxable valuation of centrally assessed wind turbine electric generators; to amend and reenact subsection 4 of section 57-02-27, subsection 27 of section 57-02-08, and subsection 4 of section 57-06-02 of the North Dakota Century Code, relating to valuation of centrally assessed property, property exempt from taxation, and the definition of a power company; and to repeal section 57-02-27.3 of the North Dakota Century Code, relating to centrally assessed wind turbine electric generators.

### 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 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; 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; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Glassheim

HB 1072 passed and the title was agreed to.

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**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 1058, HB 1067, HB 1070, HB 1095, HB 1101, HB 1108.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, January 11, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1053: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1053 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1059: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1059 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1062: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1062 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1082: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1082 was placed on the Sixth order on the calendar.

Page 1, line 13, after "medications" insert "or water"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1097: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1097 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1134: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1134 was placed on the Sixth order on the calendar.

Page 1, line 18, after "and" insert ", unless prohibited by federal law,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1136: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1136 was placed on the Sixth order on the calendar.

Page 1, line 16, after the second underscored comma insert "and" and remove ", and additional diseases as required"

Page 1, line 17, remove "by rule"

Page 2, line 3, remove ", lack of funding,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1152: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1152 was rereferred to the **Appropriations Committee**.

#### FIRST READING OF HOUSE BILLS

Reps. Zaiser, Amerman, S. Kelsh, Schmidt introduced:

**HB 1323:** A BILL for an Act to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to creation of an advisory board for the workers' compensation department; to amend and reenact subsection 1 of section 21-10-01, subsections 7, 13, and 22 of section 65-01-02, sections 65-02-01, 65-02-01.1, 65-02-30, and 65-04-19.3, subdivision b of subsection 3 of section 65-05-29, and section 65-05.1-08 of the North Dakota Century Code, relating to reference to the workforce safety and insurance board of directors and changing the name of workforce safety and insurance to the workers' compensation department; and to repeal sections 65-02-03.1, 65-02-03.2, and 65-02-03.3 of the North Dakota Century Code, relating to the workforce safety and insurance board of directors.

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

Reps. S. Meyer, Boe, Kretschmar and Sens. Marcellais, Taylor introduced:

**HB 1324:** A BILL for an Act to create and enact a new section to chapter 53-06.2 of the North Dakota Century Code, relating to the breed registry of the North Dakota racing commission; and to amend and reenact subsection 6 of section 53-06.2-11 of the North Dakota Century Code, relating to the purse, breeders', and racing promotion funds of the racing commission.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Amerman, Kempenich, Kerzman and Sens. Heitkamp, Lyson introduced:

**HB 1325:** A BILL for an Act to amend and reenact subsection 1 of section 20.1-03-07 of the North Dakota Century Code, relating to nonresident small game hunting licenses.

Was read the first time and referred to the **Natural Resources Committee**.

Reps. Clark, Boe, Dietrich, Haas and Sen. Flakoll introduced:

**HB 1326:** A BILL for an Act to amend and reenact subsection 2 of section 45-11-01 and section 47-25-02 of the North Dakota Century Code, relating to partnership fictitious names and trade names.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Wrangham, Wald and Sen. Tollefson introduced:

**HB 1327:** A BILL for an Act to amend and reenact subsection 21 of section 43-17-31 of the North Dakota Century Code, relating to disciplinary actions against physicians.

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

Reps. Herbel, Keiser introduced:

**HB 1328:** A BILL for an Act to amend and reenact subsection 1 of section 13-01-14 of the North Dakota Century Code, relating to late payment charges on medical accounts.

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

Reps. Vigesaa, Carlisle, DeKrey, Mueller, Owens and Sen. Wardner introduced:

**HB 1329:** A BILL for an Act providing an appropriation to the state historical society to provide matching funds for upgrading and maintaining historical cold war missile sites.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Carlisle, DeKrey, Delmore and Sens. Grindberg, Lyson, Robinson introduced:

**HB 1330:** A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the attorney general multijurisdictional drug task force grant fund; to amend and reenact sections 53-12.1-09 and 54-12-14 of the North Dakota Century Code, relating to disbursements from the lottery operating fund and the assets forfeiture fund; to provide a continuing appropriation; and to declare an emergency.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Aarsvold, Hanson, Metcalf and Sens. Heitkamp, Lindaas, Wardner introduced:

**HB 1331:** A BILL for an Act to amend and reenact sections 61-16.1-51 and 61-21-43.1 of the North Dakota Century Code, relating to obstructions to drains.

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

Reps. Wieland, Aarsvold and Sens. Bowman, Triplett introduced:

**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.

Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Klemin, Delmore, Dosch and Sens. Erbele, Nelson, Nething introduced:

**HB 1333:** A BILL for an Act to provide that expressions of empathy by health care providers are inadmissible in civil actions; and to provide for application.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Mueller, D. Johnson, L. Meier and Sens. Bakke, Robinson, Wardner introduced:

**HB 1334:** A BILL for an Act to amend and reenact section 15.1-07-20 of the North Dakota Century Code, relating to requirements for drivers of school vehicles.

Was read the first time and referred to the **Transportation Committee**.

Reps. Owens, DeKrey, Delmore, Dietrich, S. Kelsh introduced:

**HB 1335:** A BILL for an Act to create and enact two new sections to chapter 57-02 and a new section to chapter 57-15 of the North Dakota Century Code, relating to a homestead property tax relief credit, establishment of a property tax relief trust fund, and limitations on property tax increases; to amend and reenact subsection 15 of section 57-02-08 and section 57-02-27 of the North Dakota Century Code, relating to the property tax exemption for farm residences and valuation of property for property tax purposes; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Hawken, DeKrey, Delmore and Sens. Fischer, Heitkamp, O'Connell introduced:

**HB 1336:** A BILL for an Act to adopt the agreement among the states to elect the President by national popular vote.

Was read the first time and referred to the **Judiciary Committee**.

Reps. S. Meyer, Schmidt and Sens. Heckaman, Heitkamp introduced:

**HB 1339:** A BILL for an Act to create and enact a new subsection to section 26.1-39-06 of the North Dakota Century Code, relating to homeowner insurance coverage and notice for matching housing materials.

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

Reps. Klemin, DeKrey, Delmore and Sens. Grindberg, Nelson, Nething introduced:

**HB 1340:** A BILL for an Act to create and enact chapter 10-35 of the North Dakota Century Code, relating to public corporations; and to amend and reenact section 54-09-08 of the North Dakota Century Code, relating to the secretary of state's general services operating fund.

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

Rep. Kerzman and Sen. Krauter introduced:

**HB 1343:** A BILL for an Act to amend and reenact subdivision d of subsection 1 of section 14-09-09.7 of the North Dakota Century Code, relating to child support guidelines and reduction of support contributions.

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

Reps. Kerzman, Klemin and Sen. Krauter introduced:

**HB 1344:** A BILL for an Act to create and enact a new section to chapter 24-07 of the North Dakota Century Code, relating to section lines.

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

Reps. Amerman, Boucher, Thorpe and Sens. Heitkamp, O'Connell, Potter introduced:

**HB 1345:** A BILL for an Act to amend and reenact section 65-05-09.4 of the North Dakota Century Code, relating to workers' compensation additional benefit payable rates; and to provide for application.

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

**FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Reps. Weiler, Berg, Boucher and Sens. O'Connell, Stenehjem introduced:

**HCR 3014:** A concurrent resolution declaring Monday, February 12, 2007, "North Dakota Close Up Day".

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

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

**Buell J. Reich, Chief Clerk**

