

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

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Bismarck, January 30, 2007

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

The prayer was offered by Pastor Bob Pittman, Hazen Christian Fellowship Church.

The roll was called and all members were present except Representatives Dosch, Grande, Kerzman, and Porter.

A quorum was declared by the Speaker.

MOTION

REP. MONSON MOVED that HB 1348, which is on the Sixth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1348 was rereferred.

MOTION

REP. MONSON MOVED that HB 1436, which is on the Eleventh order, be laid over two legislative days, which motion prevailed.

MOTION

REP. MONSON MOVED that Engrossed HB 1431, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, Engrossed HB 1431 was rereferred.

SIXTH ORDER OF BUSINESS

SPEAKER DELZER DEEMED approval of the amendments to HB 1048, HB 1099, HB 1127, HB 1174, HB 1177, HB 1229, HB 1265, HB 1284, HB 1353, HB 1374, HB 1376 and HB 1506.

HB 1048, HB 1099, HB 1127, HB 1174, HB 1177, HB 1229, HB 1265, HB 1284, HB 1353, HB 1374, HB 1376 and HB 1506, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1351: A BILL for an Act to amend and reenact section 50-24.1-07 of the North Dakota Century Code, relating to claims against medical assistance recipients' estates.

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; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; 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; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; 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: Dosch; Grande; Kerzman; Porter

Engrossed HB 1351 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1362: A BILL for an Act to amend and reenact subsection 3 of section 39-24-04 of the North Dakota Century Code, relating to out-of-state snowmobile registration fees.

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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; 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; 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: Dosch; Grande; Kerzman; Porter

HB 1362 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1373: A BILL for an Act to amend and reenact subsection 4 of section 16.1-06-05, and sections 16.1-06-14, 16.1-11-27, and 16.1-13-05 of the North Dakota Century Code, relating to the arrangement of names on the ballot.

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, 90 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; 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; 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: Dosch; Grande; Kerzman; Porter

HB 1373 lost.

SECOND READING OF HOUSE BILL

HB 1375: A BILL for an Act to create and enact section 16.1-08.1-02.1 of the North Dakota Century Code, relating to state political party convention statements; and to amend and reenact subsection 11 of section 16.1-08.1-01, sections 16.1-08.1-03.2 and 16.1-08.1-03.3, subsections 1 and 4 of section 16.1-08.1-03.9, subsections 2, 3, 4, and 5 of section 16.1-08.1-03.11, section 16.1-08.1-05, and subsection 1 of section 16.1-08.1-06 of the North Dakota Century Code, relating to campaign finance.

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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; 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; 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: Dosch; Grande; Kerzman; Porter

HB 1375 passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

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

It is with great honor that I rise today to announce that Watford City has been named North Dakota's 2007 Entrepreneurial Community of the Year.

A few years ago, despite the beautiful surroundings of Lake Sakakawea, the badlands, and the Theodore Roosevelt National Park, Watford City was faced with a weak economy and a declining population - a theme that unfortunately echoes throughout rural America.

However, community leaders met this challenge head on by developing and implementing plans that diversified the local economy and improved overall quality of life in Watford City for its residents and those from smaller surrounding communities.

City and County government leaders worked hand-in-hand with private enterprise to undertake numerous redevelopment and renovation projects - investing over \$10 million dollars in the community.

Among Watford City's most notable redevelopment projects are a \$225,000 children's playground, a new water park, and a new clubhouse on our beautiful municipal golf course.

Watford City also invested \$9.8 Million dollars in renovating businesses along Main Street, including the \$8 million First International Bank & Trust headquarters which includes a steakhouse, cafe, two movie theaters, and a banquet facility.

The tireless work of leaders like Gene Veeder, who was recently named Professional Developer of the Year by Governor John Hoeven, and Steve Stenehjem, President of First International Bank & Trust, has rejuvenated the Watford City area. Their endeavors have made what once was an atmosphere of gloom and doom an atmosphere of hope and prosperity.

The efforts of Watford City's leaders reflect the pioneer spirit and ingenuity that have made North Dakota the great state it is, and have also set an example for other communities throughout rural America.

MOTION

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

SECOND READING OF HOUSE BILL

HB 1377: A BILL for an Act to amend and reenact sections 16.1-15-06 and 16.1-15-08, subsection 6 of section 16.1-15-09, sections 16.1-15-13, 16.1-15-15, 16.1-15-19, 16.1-15-22, 16.1-15-25, and 16.1-15-26 of the North Dakota Century Code, relating to canvassing elections.

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: Amerman; Bellew; Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Dietrich; Drovdal; Froelich; Froseth; 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.; Metcalf; Monson; Mueller; Nelson; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham

NAYS: Aarsvold; Boe; Boucher; Delmore; Ekstrom; Glassheim; Griffin; Gruchalla; Gulleon; Hanson; Hunskor; Kaldor; Kelsh, S.; Kroeber; Meyer, S.; Myxter; Onstad; Pinkerton; Potter; Schmidt; Schneider; Solberg; Thorpe; Vig; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Dosch; Grande; Kerzman

HB 1377 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1378: A BILL for an Act to create and enact a new subsection to section 16.1-04-02 of the North Dakota Century Code, relating to polling places; 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 48 YEAS, 42 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Berg; Boehning; Clark; Conrad; Dahl; DeKrey; Dietrich; Ekstrom; Froseth; Glassheim; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Heller; Herbel; Hofstad; Johnson, D.; Johnson, N.; Kasper; Kelsh, S.; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Meier, L.; Metcalf; Monson; Myxter; Nelson; Nottestad; Pinkerton; Potter; Price; Schneider; Sukut; Svedjan; Uglem; Vig; Wall; Weiler; Williams; Wolf; Wrangham

NAYS: Aarsvold; Bellew; Belter; Boe; Boucher; Brandenburg; Carlisle; Carlson; Charging; Damschen; Delmore; Drovda; Froelich; Griffin; Headland; Hunskor; Kaldor; Karls; Keiser; Kelsch, R.; Kempenich; Koppelman; Kroeber; Martinson; Meyer, S.; Mueller; Onstad; Owens; Pietsch; Pollert; Ruby; Schmidt; Skarphol; Solberg; Thoreson; Thorpe; Vigesaa; Wald; Weisz; Wieland; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Dosch; Grande; Kerzman; Porter

HB 1378 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1485: A BILL for an Act to amend and reenact subsection 3 of section 39-04-02 and subsection 3 of section 39-05-05 of the North Dakota Century Code, relating to language of information for title and registration.

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, 90 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovda; Ekstrom; Froelich; Froseth; Glassheim; 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; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; 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: Dosch; Grande; Kerzman; Porter

HB 1485 lost.

SECOND READING OF HOUSE BILL

HB 1112: A BILL for an Act to provide an appropriation to the office of management and budget to provide matching funds for insurance to entities that provide volunteer emergency services.

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 4 YEAS, 86 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Brandenburg; Kretschmar; Owens; Vigesaa

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; 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; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Dosch; Grande; Kerzman; Porter

HB 1112 lost.

SECOND READING OF HOUSE BILL

HB 1113: A BILL for an Act to amend and reenact sections 39-06.1-06, 39-09-01, 39-12-08, and 39-12-09 of the North Dakota Century Code, relating to traffic fees.

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 21 YEAS, 68 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Conrad; Ekstrom; Gruchalla; Haas; Hanson; Hawken; Hunskor; Kaldor; Keiser; Kelsh, S.; Nottestad; Onstad; Pinkerton; Potter; Price; Schneider; Thorpe; Uglem; Wolf

NAYS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovdal; Froelich; Froseth; Glassheim; Griffin; Gulleson; Hatlestad; Headland; Heller; Herbel; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Owens; Pietsch; Pollert; Ruby; Schmidt; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Dosch; Grande; Kerzman; Meier, L.; Porter

Engrossed HB 1113 lost.

SECOND READING OF HOUSE BILL

HB 1248: A BILL for an Act to amend and reenact section 15.1-36-01 of the North Dakota Century Code, relating to school construction approval and appeals.

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; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; 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; 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: Dosch; Grande; Kerzman; Porter

Engrossed HB 1248 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1312: A BILL for an Act to create and enact section 57-15-63.1 of the North Dakota Century Code, relating to relevy by a school district of property taxes omitted by mistake; to provide an effective date; and to provide an expiration 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 87 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; 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; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

NAYS: Kasper; Thoreson; Weiler

ABSENT AND NOT VOTING: Dosch; Grande; Kerzman; Porter

Engrossed HB 1312 passed and the title was agreed to.

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 1046, HB 1158, HB 1225, HB 1259, HB 1268, HB 1270, HB 1326, HB 1333.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4012.

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 2131.

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 2002, SB 2004, SB 2005, SB 2006, SB 2007, SB 2072, SB 2133, SB 2158.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, January 31, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1026: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (22 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1026 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1033: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1033 was placed on the Sixth order on the calendar.

Page 9, line 9, replace "any entity owned by a construction manager or" with "a shared management or ownership interest in two or more entities."

Page 9, remove lines 10 and 11

Page 13, line 9, replace "authorized for funding" with "using funds provided"

Page 13, line 11, replace "section" with "sections", after "43-07-05" insert "and 43-07-12", and replace "authorized for funding" with "using funds provided"

Page 17, line 19, replace "to ensure" with "in determining", replace "compliance" with "accordance", and after "with" insert "the intent of"

Page 18, line 9, replace "the" with ":

a. The agency"

Page 18, line 11, replace the third "the" with "any person engaged in the construction of"

Page 18, line 12, remove "contractor constructing" and replace "The governing body shall require" with:

"b. The construction manager at-risk has no common ownership or conflict of interest with the architect, landscape architect, or engineer involved in the planning and design of the public improvement."

Page 18, remove lines 13 and 14

Page 21, line 18, after "2." insert "The governing body may compensate members of the selection committee. A member of the selection committee is not eligible to submit a proposal for the construction management at-risk contract under consideration."

3."

Page 22, line 14, replace "3." with "4."

Page 22, line 18, replace "4." with "5."

Page 22, line 28, replace "5." with "6."

Page 22, line 29, replace "4" with "5"

Page 23, line 3, replace "6." with "7."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1086: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1086 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the second "and"

Page 1, line 4, after "growers" insert "; and to provide a contingent effective date"

Page 3, after line 8, insert:

"SECTION 4. CONTINGENT EFFECTIVE DATE.

1. This Act becomes effective on the date the potato council certifies to the secretary of state and the legislative council that:
 - a. The potato council has conducted a referendum among all potato growers in the state, as indicated on the records of the council for the preceding year, to determine whether the ability to obtain a refund of the assessment paid under section 4-10.1-09 should be repealed;
 - b. The potato council prepared and mailed the ballots at least thirty days before the final date established by the council for filing ballots;

- c. Each ballot was accompanied by a notice indicating the date and place at which the ballots would be tabulated and indicating that any grower may attend the opening and tabulation of the ballots; and
 - d. A majority of those voting upon the question favored repealing the ability to obtain a refund of the assessment paid under section 4-10.1-09.
2. The certification required by subsection 1 must be completed before January 1, 2008."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1119: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1119 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1128: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1128 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the second "and" and after "appropriation" insert "; and to declare an emergency"

Page 2, line 4, after "of" insert "renewable energy."

Page 3, line 5, after the underscored period insert "The obligation of the state may not exceed ten percent of the pipeline authority's acquisition or purchase of a right to capacity in any pipeline system or systems and the state's obligation is limited to the funding available from the oil and gas research fund."

Page 7, line 29, after "49-22" insert "and section 49-02-01.2"

Page 8, line 17, after "ownership" insert "or capacity acquisition"

Page 8, line 20, after "ownership" insert "or capacity"

Page 9, after line 11, insert:

- "3. Utilizing funds from the oil and gas research fund, the industrial commission shall contract for or hire staffing necessary to effectively administer the pipeline authority."

Page 9, line 17, remove ", are not public records subject to section 44-04-18 and section 6 of"

Page 9, line 18, remove "article XI of the Constitution of North Dakota, and"

Page 9, after line 31, insert:

- "f. The fact that a request has been made is exempt."

Page 10, line 1, replace "Any request under" with "The information submitted pursuant to"

Page 10, after line 7, insert:

"54-17.7-13. Reporting requirements. The authority shall deliver a written report on its activities to the legislative council each biennium. The authority is not subject to the requirements of chapter 54-60.1, but to ensure public accountability, the authority shall provide an annual report to the industrial commission detailing activities and expenditures incurred during the preceding year."

Page 10, line 11, replace "this chapter" with "54-17.7"

Page 12, line 1, after "pipeline" insert "owned by the authority and"

Page 12, line 31, overstrike "that have been deposited into the"

Page 13, line 1, overstrike "general fund"

Page 13, after line 3, insert:

"SECTION 7. EMERGENCY. Sections 1 through 5 of this Act are declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1135: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (21 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1135 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1152: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (23 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1152 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1154, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (17 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1154 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1156: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1156 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1179: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (9 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1179 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1182: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1182 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "and tenants"

Page 1, line 10, after "parties" insert "; or, notice may be given by publishing notice of the contemplated drilling operations in the drilling site's official county newspaper, which must be published at least twenty days before the commencement of the operations"

Page 2, line 2, remove "or tenants"

Page 2, line 3, overstrike "owner's" and replace "or tenant's" with "owners"

Page 2, line 5, remove "and tenants", overstrike "surface owner's", and remove the second "and"

Page 2, line 6, remove "tenant's"

Page 2, line 8, remove "or tenant"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1185: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1185 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 4-10.7-07 of the North Dakota Century Code, relating to the powers and duties of the North Dakota dry pea and lentil council.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4-10.7-07 of the North Dakota Century Code is amended and reenacted as follows:

4-10.7-07. Council powers and duties. In the administration of this chapter, the council may:

1. Contract and cooperate with any person or with any governmental department or agency for research, education, publicity, promotion, and transportation for purposes of this chapter.
2. Expend funds collected pursuant to this chapter for its administration.
3. Appoint, employ, bond, discharge, fix the compensation for, and prescribe the duties of such administrative, clerical, technical, and other personnel as it deems necessary.
4. Accept donations of funds, property, services, or other assistance from public or private sources for the purpose of furthering the objectives of the council.
5. Investigate and prosecute in the name of the state any action or suit to enforce the collection or ensure payment of the taxes authorized by this chapter, and to sue and be sued in the name of the council.
6. Formulate the general policies and programs of markets and industries for the utilization of dry peas and lentils grown within the state.
7. Enter a reciprocal agreement with the governmental entity that is responsible for administration of the dry pea and lentil assessment in another state or province and provide for:
 - a. The return by that governmental entity of any assessment charged on dry peas and lentils grown in this state; and
 - b. The return by the council of any assessment charged on dry peas and lentils grown in another state or province."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1203: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1203 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1209: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1209 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1214: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1214 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1215: Agriculture Committee (Rep. D. Johnson, 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 1215 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "applications and"

Page 1, line 7, remove the overstrike over "An applicant"

Page 1, line 8, remove the overstrike over "must first apply for water cost share assistance from the"

Page 1, line 9 after "service" insert "farm service agency" and remove the overstrike over "~~If cost share assistance is denied by the service, the applicant may~~"

Page 1, remove the overstrike over lines 10 and 11

Page 1, line 12, remove the overstrike over "~~service stating the reason for denial of cost share assistance.~~"

Page 1, line 14, remove the overstrike over "fifty" and remove "sixty-five"

Page 1, line 15, remove the overstrike over "three" and remove "four"

Page 1, line 16, replace "application" with "applicant"

Page 1, line 17, after the period insert "A drought livestock water assistance program project located on Indian land is eligible for the program."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1226: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1226 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of the feasibility and desirability of providing limitations on for-profit activities of nonprofit organizations."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying during the 2007-08 interim the feasibility and desirability of providing limitations on for-profit activities of nonprofit organizations. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1247: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1247 was placed on the Sixth order on the calendar.

Page 1, line 13, remove "or up to two hundred fifty dollars in any"

Page 1, line 14, remove "taxable year for premiums", remove "a qualified", and remove "contract"

Page 1, line 19, remove "and qualified long-term care insurance contract coverage"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1251: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1251 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1256, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (22 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1256 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1273: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (13 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING). HB 1273 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1278: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1278 was placed on the Sixth order on the calendar.

Page 2, line 11, after "contributions" insert ", multiplied by sixty percent"

Page 2, line 21, replace "twenty-six" with "twelve"

Page 2, line 28, after "contractor" insert an underscored comma and after "owner" insert "in those situations in which there is no general or prime contractor."

Page 2, line 31, after "contractor" insert an underscored comma and after "owner" insert "in those situations in which there is no general or prime contractor."

Page 3, line 3, after "contractor" insert an underscored comma and after "owner" insert "in those situations in which there is no general or prime contractor."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1290, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (21 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1290 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1316: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1316 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of the protection of consumer telephone records."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY - PROTECTION OF CONSUMER TELEPHONE RECORDS STUDY. During the 2007-08 interim, the legislative council shall consider studying issues relating to the protection of consumer telephone records. The study must include a review of federal legislation on the protection of telephone records and the possible state responses considering federal legislation so that the needs of the citizens of North Dakota as to privacy of telephone records are met. 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

HB 1327: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (10 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1327 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1328: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1328 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "medical" and after "accounts" insert "receivable"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1367: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1367 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1390: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1390 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "insurance"

Page 1, replace lines 6 through 16 with:

"Department to provide liability coverage.

1. The department shall provide liability coverage for the intentional and unintentional acts or omissions of foster children placed in the care of foster families. The department may provide this liability coverage through self-insurance.
2. The liability coverage under this section:
 - a. Must provide coverage for damage to the property of a foster family which is caused by the act of the family's foster child. This coverage must be for the lesser of the reasonable cost to repair or to replace the damaged property.
 - b. Is secondary to any other coverage the foster family may have for claimed losses.
 - c. May not exceed five thousand dollars per claim, with an annual maximum of ten thousand dollars per year per claimant. The coverage under this subsection must include a deductible not to exceed one hundred dollars per claim.
3. The department may provide for exclusions from liability coverage provided under this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1467: Human Services Committee (Rep. Price, Chairman) recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1467 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1471: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1471 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1482: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1482 was placed on the Sixth order on the calendar.

Page 2, line 1, remove "and"

Page 2, line 2, after "That" insert ", subject to subsection 3," and replace "must" with "may"

Page 2, line 3, after "to" insert "residents and" and replace "no later than ten days before the" with "by the administrator of the facility;

- d. The offender's health status and type of health care the offender requires;
- e. Any available risk assessment information regarding the offender's likelihood of reoffending; and
- f. The name of the party responsible for the payment for the services provided by the health care facility to the offender."

Page 2, remove line 4

Page 2, line 5, replace "a. No later than ten days before the offender's admission to the facility, the" with "The"

Page 2, line 6, replace "shall" with "may"

Page 2, line 7, after "guardians" insert "and the employees of the facility"

Page 2, remove lines 9 through 11

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1505: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1505 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "adoption of rules by the health council to regulate" with "regulation of"

Page 1, line 3, after the comma insert "branding, subdermal implants,"

Page 1, line 7, after the second boldface underscored comma insert "**branding, subdermal implants,**", after "**scarification**" insert "**- Permit - Fee**", and after the boldface underscored period insert:

"1. A person may not operate a facility providing tattooing, body piercing, branding, subdermal implant, and scarification services without a permit issued by the department under this section. The holder of a permit shall display the permit in a conspicuous place at the facility for which the permit is issued. A permit issued under this section expires annually on June thirtieth. An applicant for a permit shall submit an application for a permit to the department, on a form provided by the department, with a permit fee established by the department. The application must include the name and complete mailing address and street address of the facility and any other information reasonably required by the department for the administration of this section.

2."

Page 1, line 9, after the second underscored comma insert "branding, subdermal implants,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1515: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1515 was placed on the Sixth order on the calendar.

Page 1, line 4, after "program" insert "; and to provide an appropriation"

Page 2, after line 21, insert:

"SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,500,000, or so much of the sum as may be necessary, to the industrial commission for the purpose of establishing a private land open to sportsmen biomass demonstration project and a biomass incentive and research project, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1517: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1517 was placed on the Sixth order on the calendar.

Page 2, line 17, replace "notify a claimant's" with "provide an injured employee's" and replace "of the status of the claimant's" with "information regarding the injured employee's"

Page 2, line 18, replace "if:" with an underscored period

Page 2, remove lines 19 through 23

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1521: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (14 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING). HB 1521 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2024, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (23 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2024 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE BILL

SB 2189: A BILL for an Act to provide an appropriation for state employee salary equity adjustments; to provide a statement of legislative intent regarding state employee compensation adjustments; and to provide a statement of legislative intent regarding state employee health insurance premiums.

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

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

Buell J. Reich, Chief Clerk

