

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

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Bismarck, February 12, 2007

The House convened at 8:00 a.m., with Speaker Delzer presiding.

The prayer was offered by Pastor Sarah Voorhees, Trinity Lutheran, Carrington.

The roll was called and all members were present except Representatives Boe, Owens, and Pinkerton.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER DELZER DEEMED approval of the amendments to Engrossed HB 1110, HB 1121, HB 1161, HB 1162, HB 1243, HB 1297, HB 1317, HB 1322, HB 1381, HB 1384, HB 1394, HB 1439, HB 1445, HB 1449, Engrossed HB 1451, HB 1455, HB 1469, HB 1479, HB 1499, HCR 3020, HCR 3027 and HCR 3039.

HCR 3020 and HCR 3039, as amended, were placed on the Tenth order of business on the calendar for the succeeding legislative day.

Engrossed HB 1110 HB 1121, HB 1161, HB 1162, HB 1243, HB 1297, HB 1317, HB 1322, HB 1381, HB 1384, HB 1394, HB 1439, HB 1445, HB 1449, Engrossed HB 1451, HB 1455, HB 1469, HB 1479, HB 1499 and HCR 3027, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1038: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to workers' compensation additional benefits payable; to amend and reenact subsection 5 of section 65-05-07 and sections 65-05-16, 65-05.1-08, and 65-05.2-01 of the North Dakota Century Code, relating to workers' compensation benefits for the catastrophically injured, additional benefits payable, death benefits, supplemental benefits, loans for education; to provide for application; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Ruby

ABSENT AND NOT VOTING: Boe; Pinkerton

HB 1038 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1140: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to a workers' compensation inflationary adjustment for injured employees with long-term temporary partial disabilities; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; 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: Boe; Koppelman; Pinkerton

Engrossed HB 1140 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1411: A BILL for an Act to amend and reenact subsection 5 of section 65-05-07 of the North Dakota Century Code, relating to workers' compensation benefits for modification of real estate and vehicles; to provide for application; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; 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: Boe; Pinkerton

HB 1411 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1460: A BILL for an Act to amend and reenact section 65-02-03.1 of the North Dakota Century Code, relating to the workforce safety and insurance board membership; to provide for application and transition; 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 61 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Amerman; Boucher; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleon; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf;

Meyer, S.; Mueller; Myxter; Onstad; Owens; Potter; Schmidt; Schneider; Solberg; Thorpe; Vig; Williams; Wolf

ABSENT AND NOT VOTING: Boe; Pinkerton

Engrossed HB 1460 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1517: A BILL for an Act to amend and reenact section 65-05-32 of the North Dakota Century Code, relating to release of information by workforce safety and insurance; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

Engrossed HB 1517 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1239: A BILL for an Act to amend and reenact section 65-05-09.2 of the North Dakota Century Code, relating to the workers' compensation retirement offset; and to provide for application.

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 20 YEAS, 72 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boucher; Conrad; Delmore; Ekstrom; Glassheim; Griffin; Gullerson; Kaldor; Kelsh, S.; Kroeber; Mueller; Onstad; Schneider; Solberg; Thorpe; Wolf; Wrangham; Zaiser

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

ABSENT AND NOT VOTING: Boe; Pinkerton

HB 1239 lost.

SECOND READING OF HOUSE BILL

HB 1285: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to workers' compensation benefits for surviving spouse of permanently and totally disabled injured employee; and to provide for application.

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 27 YEAS, 65 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boucher; Conrad; Ekstrom; Froelich; Griffin; Gruchalla; Gulleon; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Myxter; Onstad; Schmidt; Schneider; Solberg; Thorpe; Vig; Wolf; Zaiser

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

ABSENT AND NOT VOTING: Boe; Pinkerton

HB 1285 lost.

SECOND READING OF HOUSE BILL

HB 1286: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to an independent audit of workforce safety and insurance independent medical examinations; to amend and reenact section 65-05-32 of the North Dakota Century Code, relating to confidentiality of records of workforce safety and insurance; 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 NOT PASS, the roll was called and there were 31 YEAS, 62 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Pinkerton

HB 1286 lost.

SECOND READING OF HOUSE BILL

HB 1287: A BILL for an Act to create and enact a new section to chapter 65-05.1 of the North Dakota Century Code, relating to pilot programs for workers' compensation rehabilitation 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 33 YEAS, 61 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

HB 1287 lost.

SECOND READING OF HOUSE BILL

HB 1288: A BILL for an Act to amend and reenact section 65-05.2-01 of the North Dakota Century Code, relating to workers' compensation supplementary benefits; and to provide for application.

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 32 YEAS, 61 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleson; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Klein; Kroeber; Metcalf; Meyer, S.; Mueller; Myxter; Onstad; Pinkerton; Potter; Schmidt; Schneider; Solberg; Thorpe; Vig; Wolf; Zaiser

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

ABSENT AND NOT VOTING: Boucher

HB 1288 lost.

SECOND READING OF HOUSE BILL

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.

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 33 YEAS, 60 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Hawken

HB 1323 lost.

SECOND READING OF HOUSE BILL

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.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 30 YEAS, 63 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Ekstrom

HB 1345 lost.

SECOND READING OF HOUSE BILL

HB 1424: A BILL for an Act to create and enact a new section to chapter 65-08 of the North Dakota Century Code, relating to a workforce safety and insurance pilot program for coverage of out-of-state employers; 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 NOT PASS, the roll was called and there were 40 YEAS, 53 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Conrad; DeKrey; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Guleson; Hanson; Hatlestad; Hawken; Heller; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kreidt; Kroeber; Metcalf; Meyer, S.; Mueller; Myxter; Nelson; Onstad; Pinkerton; Potter; Schmidt; Schneider; Solberg; Sukut; Thorpe; Vig; Williams; Wolf; Zaiser

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

ABSENT AND NOT VOTING: Speaker Delzer

Engrossed HB 1424 lost.

SECOND READING OF HOUSE BILL

HB 1442: A BILL for an Act to amend and reenact section 65-05-09.3 of the North Dakota Century Code, relating to the workers' compensation retirement presumption application to permanently and totally disabled injured workers; and to provide for application.

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 27 YEAS, 66 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Conrad; Delmore; Ekstrom; Froelich; Gruchalla; Gulleon; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Meyer, S.; Mueller; Myxter; Onstad; Pinkerton; Schmidt; Schneider; Solberg; Thorpe; Vig; Wolf

NAYS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Dietrich; Dosch; Drovda; Froseth; Glassheim; Grande; Griffin; 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; Nelson; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Potter

HB 1442 lost.

SECOND READING OF HOUSE BILL

HB 1443: A BILL for an Act to amend and reenact section 65-05-08.1 of the North Dakota Century Code, relating to the relation of eligibility for social security disability to the determination of workers' compensation disability.

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 32 YEAS, 59 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Brandenburg; Froelich; Price

HB 1443 lost.

MOTION

REP. BERG MOVED that HB 1493 be moved to the foot of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1516: A BILL for an Act to amend and reenact section 65-10-01 of the North Dakota Century Code, relating to district court appeals of workforce safety and insurance decisions.

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 41 YEAS, 53 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Conrad; Dahl; DeKrey; Delmore; Dietrich; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleon; Hanson; Hunskor; Kaldor; Kelsch, R.; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Myxter; Nelson; Onstad;

Pinkerton; Porter; Potter; Price; Schmidt; Schneider; Solberg; Thorpe; Vig; Wall; Williams; Wolf; Zaiser

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

HB 1516 lost.

SECOND READING OF HOUSE BILL

HB 1283: A BILL for an Act to amend and reenact section 65-01-01 of the North Dakota Century Code, relating to workers' compensation law construction.

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 36 YEAS, 58 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Conrad; DeKrey; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kretschmar; Kroeber; Metcalf; Meyer, S.; Mueller; Myxter; Onstad; Pinkerton; Potter; Schmidt; Schneider; Solberg; Thorpe; Vig; Williams; Wolf; Zaiser

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

HB 1283 lost.

MOTION

REP. MONSON MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

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

REPORT OF STANDING COMMITTEE

HB 1030: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (22 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1030 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1146: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1146 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 severance of hunting access from the surface estate.

SECTION 1. LEGISLATIVE COUNCIL - SEVERANCE OF HUNTING ACCESS FROM SURFACE ESTATE STUDY. The legislative council shall consider studying, during the 2007-08 interim, issues related to the severance of hunting access from the surface estate. 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 1166: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1166 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "the completion of the construction of a paved" with ", as part of the department's project development process, a four-lane alternate when it develops the environmental document for the next major reconstruction project for United States highway 52 from reference point 52-101.683 to reference point 52-122.789. If environmental clearance is obtained, the department shall select for construction the four-lane alternate as the preferred alternate."

Page 1, remove lines 6 and 7

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1195, as engrossed: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1195 was placed on the Sixth order on the calendar.

Page 1, line 2, after "permits" insert "; to provide an agency directive; and to provide a contingent effective date"

Page 1, line 10, after "form" insert "for a resident or nonresident fishing, hunting, or fur-bearer certificate"

Page 1, line 11, after "that" insert "only", after the first "the" insert "last four digits of the", replace "is" with "are", remove "only", remove "original", after "application" insert ", and the first five digits of the applicant's social security number are not recorded on the application", and after the underscored period insert:

"SECTION 2. AGENCY DIRECTIVE. The department of human services shall seek a federal exemption authorizing the state to require the recording of the last four digits of the applicant's social security number on applications in paper form for a resident or nonresident fishing, hunting, or fur-bearer certificate issued under chapter 20.1-03.

SECTION 3. CONTINGENT EFFECTIVE DATE. This Act becomes effective on the date the department of human services certifies to the game and fish department and the legislative council that the United States department of health and human services has granted the exemption requested in section 2 of this Act."

Page 1, remove lines 12 through 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1197, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1197 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "an" with "a contingent"

Page 2, line 31, replace the first "or" with an underscored semicolon

Page 3, line 1, after "conviction" insert "; has not resulted in a felony conviction;"

Page 3, line 7, after "**3.**" insert "**CONTINGENT**" and replace "becomes effective on August 1, 2009" with "is contingent on the receipt of federal funding to implement this Act. This Act becomes effective on the date the attorney general certifies to the secretary of state that the state has received federal funds to implement this Act. The secretary of state shall notify the legislative council of the effective date of this Act"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1331: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1331 was placed on the Sixth order on the calendar.

Page 2, line 2, after the second period insert "If the obstruction is located in a road ditch, the timing and method of removal must be approved by the appropriate road authority before the notice required by this section is given and appropriate construction site protection standards must be followed."

Page 2, line 30, after the period insert "If the obstruction is located in a road ditch, the timing and method of removal must be approved by the appropriate road authority before the notice required by this section is given and appropriate construction site protection standards must be followed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1399: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1399 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "department of transportation" with "legislative council"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**Dept. 160 - Legislative Council**

HOUSE - This amendment changes the general fund appropriation for the membership fees for the state to join the Multistate Highway Transportation Agreement from the Department of Transportation to the Legislative Council.

REPORT OF STANDING COMMITTEE

HB 1407: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1407 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "An" with "Unless the ordinance protested against was passed by at least a two-thirds vote of the members of the board of park commissioners for the immediate preservation of the public peace, health, and safety and contains a statement of its urgency, an"

Page 1, line 24, after the underscored period insert "If the referred ordinance was not suspended by the filing of the referendum petition, the ordinance becomes void if the ordinance is disapproved by a majority vote of the qualified electors voting on the question."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1423: Transportation Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1423 was placed on the Sixth order on the calendar.

Page 1, line 9, after "guardian" insert "or as a participant in an organized sporting event that involves the use of off-highway vehicles"

Page 1, line 12, overstrike the second "and" and insert immediately thereafter an underscored comma

Page 1, line 14, after "transportation" insert ", and wears appropriate safety gear and attire. An individual at least eight years of age and under ten years of age may not operate an off-highway vehicle unless the vehicle is a class 1 with an engine of no more than"

seventy cubic centimeters and that individual has received an off-highway vehicle safety certificate"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1434, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1434 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to provide for surveillance and a report to the legislative council;"

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 3

Page 2, line 5, replace "\$301,403" with "\$200,000"

Page 2, line 8, remove "The state department of health is authorized one"

Page 2, remove line 9

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment:

- Removes Section 2 of the bill providing that the State Department of Health conduct surveillance relating to the impact of viral hepatitis on the state and provide a report to the Legislative Council.
- Decreases the general fund appropriation in Section 3 of the bill by \$101,403, from \$301,403 to \$200,000, relating to removing the 1 FTE position.
- Removes the language authorizing the State Department of Health 1 new FTE position for the program.

REPORT OF STANDING COMMITTEE

HB 1456: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1456 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 wind farm siting.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY - WIND FARM SITING STUDY.

During the 2007-08 interim, the legislative council shall study the siting of commercial wind farms. The study must include identification of key issues of public and industry concern; solicitation of public input from local government officials, electric utilities, the wind industry, landowners, farm organizations, and other concerned interests; review of the laws and policies of other jurisdictions; and recommendations concerning laws or policies needed in this state to address wind farm siting. 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 1462: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1462 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "distributing" with "gathering", remove "shallow", and after "gas" insert "and materials used in the construction or expansion of a refinery"

Page 1, line 5, remove "and"

Page 1, line 6, after "revisions" insert "; to provide for a department of commerce study; and to provide for a report to the legislative council"

Page 1, line 17, replace "help slow increases in" with "address" and after "warming" insert "issues"

Page 1, line 18, after the fifth underscored comma insert "carbon recycling, carbon sequestration, use of waste heat, recycling, low-emission technologies that create or use hydrogen,"

Page 1, line 22, replace "distributing" with "gathering" and remove "shallow"

Page 2, line 2, replace "distributing" with "gathering" and remove "shallow"

Page 2, line 3, after "state" insert "or used to expand or build a gas-processing facility in this state"

Page 2, remove lines 11 and 12

Page 2, line 13, replace "4." with "3."

Page 2, after line 14, insert:

"SECTION 3. Sales and use tax exemption for materials used in construction or expansion of an oil refinery.

1. Gross receipts from sales of tangible personal property used in expanding or constructing an oil refinery that has a nameplate capacity of processing at least five thousand barrels of oil per day in this state are exempt from taxes under chapter 57-39.2.
2. The owner of the tangible personal property must apply to the tax commissioner for a refund of sales and use taxes paid by any contractor, subcontractor, or builder for which the sales or use is claimed as exempt under this section. Application for a refund must be made at the times and in the manner directed by the tax commissioner and must include sufficient information to permit the tax commissioner to verify the sales and use taxes paid and the exempt status of the sale or use.
3. Chapters 57-39.2 and 57-40.2 apply to the exemption under this section."

Page 3, after line 24, insert:

"SECTION 6. NORTH DAKOTA ENERGY INDEPENDENCE INITIATIVE - REPORT TO LEGISLATIVE COUNCIL. During the 2007-08 interim, the department of commerce shall convene an energy independence council for the purpose of developing a comprehensive energy policy for the state that addresses:

1. The policy of this state to stimulate the development of renewable and traditional fossil-based energy within the state with the goal of providing secure, diverse, sustainable, and competitive energy supplies that can be produced and secured within the state to assist the nation in reducing its dependence on foreign energy sources.
2. The policy of this state to promote the development of new technologies, provide innovative opportunities, create additional employment and wealth that contributes to economic development, and decrease dependence on foreign energy supplies.
3. Growth of the fossil fuel and renewable energy industries within this state to encourage the state's competitiveness for both the domestic and export markets.
4. The assistance the state provides in research, development, and marketing of North Dakota-produced energy sources, including biodiesel, biomass,

coal, ethanol, geothermal, hydroelectric, hydrogen, natural gas, oil, solar, and wind.

5. The need to:
 - a. Expand the use of existing energy resources such as coal, oil, gas, wind, and hydropower by supporting continued research and development of technologies designed to enhance the use of traditional fuels.
 - b. Examine ways to diversify the state's energy resource base by encouraging the growth of renewable sources such as wind, biomass, geological, solar, and water.
 - c. Evaluate existing tax credits and incentives for all energy resources.
 - d. Modernize and expand the state's energy infrastructure to ensure that energy supplies can be safely, reliably, and affordably transported to homes and businesses.
 - e. Examine potential innovations that will be necessary to improve environmental conditions through the use of new technologies designed to encourage the continued use of fossil fuel as well as renewable resources.
 - f. Review energy industry workforce and training needs and educational opportunities to enhance the future productivity of the energy industry.
 - g. Develop a strategy to maximize the state's market opportunities in regional and global markets.

The energy independence council consists of the commissioner of commerce, a member appointed by the agriculture commissioner, a representative recommended by the lignite energy council and appointed by the governor, a representative recommended by the North Dakota petroleum council and appointed by the governor, a member from the biodiesel industry appointed by the governor, a member from the biomass industry appointed by the governor, a member from the wind industry appointed by the governor, and a member from the ethanol industry appointed by the governor. The commissioner of commerce is chairman of the energy independence council. The energy independence council shall report to the legislative council during the 2007-08 interim on the progress of and results from the North Dakota energy independence initiative."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1471: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1471 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "produce and"

Page 1, line 14, remove "produced and"

Page 1, line 22, replace "\$100,000" with "\$50,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes references to materials being produced by the State Department of Health and reduces the general fund appropriation in Section 2 of the bill by \$50,000, from \$100,000 to \$50,000.

REPORT OF STANDING COMMITTEE

HCR 3024: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS,

0 ABSENT AND NOT VOTING). HCR 3024 was placed on the Sixth order on the calendar.

Page 1, line 1, after "the" insert "efforts of the" and replace "Delegation's efforts" with "Delegation, the Governor's Task Force on Military in North Dakota, the Grand Forks Council on Military Relations, the Minot Task Force 21, and the Fargo-Moorhead (F-M) Air National Guard Support Group"

Page 1, line 20, after "the" insert "efforts of the" and replace "Delegation's efforts" with "Delegation, the Governor's Task Force on Military in North Dakota, the Grand Forks Council on Military Relations, the Minot Task Force 21, and the F-M Air National Guard Support Group"

Page 2, line 1, after the second "the" insert "efforts of the" and replace "Delegation's efforts" with "Delegation, the Governor's Task Force on Military in North Dakota, the Grand Forks Council on Military Relations, the Minot Task Force 21, and the F-M Air National Guard Support Group"

Page 2, line 6, after the second comma insert "the Governor's Task Force on Military in North Dakota, the Grand Forks Council on Military Relations, the Minot Task Force 21, the F-M Air National Guard Support Group,"

Renumber accordingly

SIXTH ORDER OF BUSINESS

SPEAKER DELZER DEEMED approval of the amendments to HB 1146, HB 1166, Engrossed HB 1195, Engrossed HB 1197, HB 1331, HB 1399, HB 1407, HB 1423, Engrossed HB 1434, HB 1456, HB 1462, HB 1471 and HCR 3024.

HCR 3024, as amended, was placed on the Tenth order of business on the calendar for the succeeding legislative day.

HB 1146, HB 1166, Engrossed HB 1195, Engrossed HB 1197, HB 1331, HB 1399, HB 1407, HB 1423, Engrossed HB 1434, HB 1456, HB 1462 and HB 1471, as amended, were placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1221: A BILL for an Act to create and enact a new section to chapter 49-05 of the North Dakota Century Code, relating to public utility rate adjustments for recovery of costs resulting from federal environmental mandates on existing electricity generating stations.

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

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

NAYS: Aarsvold; Amerman; Belter; Brandenburg; Ekstrom; Hanson; Headland; Kaldor; Kelsh, S.; Koppelman; Kroeber; Onstad; Pinkerton; Solberg; Thorpe; Vig

Engrossed HB 1221 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1315: A BILL for an Act to create and enact a new section to chapter 49-22 of the North Dakota Century Code, relating to electrical generation and transmission safety.

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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Gullerson; 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

Engrossed HB 1315 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1450: A BILL for an Act to amend and reenact section 57-01-02.1 of the North Dakota Century Code, relating to refunds by retailers of home rule sales and use taxes; 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 83 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Brandenburg; Carlson; Clark; Karls; Kasper; Keiser; Martinson; Ruby; Skarphol; Thoreson; Vigesaa

Engrossed HB 1450 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1491: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to electronic course delivery; to provide for a legislative council report; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Gullerson; 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

Engrossed HB 1491 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1509: A BILL for an Act to create and enact subsection 7 to section 53-06.2-11 of the North Dakota Century Code, relating to transmissions of historic previously run horse races; and to amend and reenact subsection 11 of section 53-06.2-01 of the North Dakota Century Code, relating to the definition of racing.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 36 YEAS, 58 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boehning; Boucher; Brandenburg; Conrad; Delmore; Ekstrom; Froelich; Grande; Griffin; Gruchalla; Gulleason; Hanson; Hawken; Headland; Hofstad; Johnson, N.; Kasper; Kelsh, S.; Kretschmar; Kroeber; Meyer, S.; Myxter; Nelson; Pinkerton; Pollert; Schmidt; Schneider; Solberg; Thoreson; Wald; Williams; Wolf; Zaiser

NAYS: Bellew; Belter; Berg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Froseth; Glassheim; Haas; Hatlestad; Heller; Herbel; Hunskor; Johnson, D.; Kaldor; Karls; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nottestad; Onstad; Owens; Pietsch; Porter; Potter; Price; Ruby; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

Engrossed HB 1509 lost.

SECOND READING OF HOUSE BILL

HB 1319: A BILL for an Act to create and enact three new sections to chapter 12.1-05 of the North Dakota Century Code, relating to the use of and liability for deadly force; and to amend and reenact section 12.1-05-07 of the North Dakota Century Code, relating to the use of deadly force.

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 50 YEAS, 44 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Clark; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Froseth; Grande; Gulleason; Haas; Hatlestad; Headland; Heller; Herbel; Hofstad; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Klemin; Koppelman; Kreidt; Martinson; Meier, L.; Meyer, S.; Monson; Pietsch; Pollert; Porter; Ruby; Skarphol; Solberg; Sukut; Thoreson; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

NAYS: Aarsvold; Amerman; Bellew; Boe; Boucher; Charging; Conrad; Dahl; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Hunskor; Johnson, N.; Kaldor; Karls; Kerzman; Kingsbury; Kretschmar; Kroeber; Metcalf; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pinkerton; Potter; Price; Schmidt; Schneider; Svedjan; Thorpe; Uglem; Vig; Wall; Williams; Wolf; Zaiser

Engrossed HB 1319 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 1124, HB 1211, HB 1213, HB 1260, HB 1281, HB 1359, HB 1393, HB 1398, HB 1402, HB 1437, HB 1465, HB 1468, HB 1513.

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 2138, SB 2172, SB 2238, SB 2258, SB 2268, SB 2286, SB 2294, SB 2298, SB 2303, SB 2359, SB 2415, SCR 4016, SCR 4017.

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 9:00 a.m., Tuesday, February 13, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1050: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (21 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1050 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1129, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (21 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1129 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1138: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (23 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1138 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1164: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1164 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1171, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (23 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1171 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1200, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (23 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1200 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1246: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (14 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING). HB 1246 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1249, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (23 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1249 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1299: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1299 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 43-15-35 of the North Dakota Century Code, relating to postgraduate medical residency training program pharmacies; and to provide for a legislative council study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-15-35 of the North Dakota Century Code is amended and reenacted as follows:

43-15-35. Requirements for permit to operate pharmacy - Exceptions.

1. The board shall issue a permit to operate a pharmacy, or a renewal permit, upon satisfactory proof of all of the following:

- 4- a. The pharmacy will be conducted in full compliance with existing laws and with the rules and regulations established by the board.
 - 2- b. The equipment and facilities of the pharmacy are such that prescriptions can be filled accurately and properly, and United States pharmacopeia and national formulary preparations properly compounded and so that it may be operated and maintained in a manner that will not endanger public health and safety.
 - 3- c. The pharmacy is equipped with proper pharmaceutical and sanitary appliances and kept in a clean, sanitary, and orderly manner.
 - 4- d. The management of the pharmacy is under the personal charge of a pharmacist duly licensed under the laws of this state.
 - 5- e. The applicant for such permit is qualified to conduct the pharmacy, and is a licensed pharmacist in good standing or is a partnership, each active member of which is a licensed pharmacist in good standing, ~~or~~ a corporation or an association, the majority stock in which is owned by licensed pharmacists in good standing; or a limited liability company, the majority membership interests in which is owned by licensed pharmacists in good standing, actively and regularly employed in and responsible for the management, supervision, and operation of such pharmacy.
 - 6- f. Suitable reference sources either in book or electronic data form, are available in the pharmacy or on-line, which might include the United States pharmacopeia and national formulary, the United States pharmacopeia dispensing information, facts and comparisons, micro medex, the ASHP American society of health-system pharmacists formulary, or other suitable references pertinent to the practice carried on in the licensed pharmacy.
2. The provisions of ~~subsection 5 shall~~ subdivision e of subsection 1 do not apply to ~~the~~:
- a. The holder of a permit on July 1, 1963, if otherwise qualified to conduct the pharmacy, provided that any such permitholder ~~who~~ that discontinues operations under such permit or fails to renew such permit upon expiration ~~shall~~ is not thereafter be exempt from the provisions of ~~subsection 5~~ subdivision e of subsection 1 as to the discontinued or lapsed permit. ~~The provisions of subsection 5 shall not apply to~~
 - b. A hospital ~~pharmacies~~ pharmacy furnishing service only to patients in that hospital.
 - c. The applicant for ~~a permit to operate a pharmacy which is a hospital, if the pharmacy for which the hospital seeks a permit to operate is a retail pharmacy that is the sole provider of pharmacy services in the community and is a retail pharmacy that was in existence before the hospital took over operations.~~ A hospital operating a pharmacy under this subdivision may operate the pharmacy at any location in the community.

SECTION 2. LEGISLATIVE COUNCIL STUDY - REGULATION AND LICENSING OF PHARMACISTS.

1. The legislative council shall consider studying, during the 2007-08 interim, the regulation and licensing of pharmacists in this state. The study must include an examination of:
 - a. The state board of pharmacy, the board's size, the manner of board membership appointment, and whether the board is representative of commercial and noncommercial pharmacists;
 - b. The state's demographics and the impact changing demographics in rural areas will have on the ability of small, locally owned pharmacies to remain economically viable and on the ability of rural residents to

access low-cost pharmaceuticals and pharmacy and pharmacists' services;

- c. The pharmacy ownership restrictions, the relevance of those restrictions in terms of marketplace competition, and the impact of those restrictions on the price and availability of pharmaceuticals and on pharmacy and pharmacists' services; and
 - d. The statutory interplay between the state board of pharmacy and the North Dakota pharmaceutical association and whether the regulatory function of the board conflicts with the advocacy function of the association.
2. 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 1308: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (14 YEAS, 6 NAYS, 4 ABSENT AND NOT VOTING). HB 1308 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1309: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (16 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). HB 1309 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1340, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (19 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1340 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1344: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1344 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "**adjacent**", replace "an" with "a surface", and after "in" insert "a parcel of"

Page 1, line 7, replace "adjoining" with "connected by", after "line" insert "to another parcel of land in which that person has a surface interest or to a highway", and after "commissioners" insert "in an unorganized township or the board of township supervisors in an organized township"

Page 1, line 8, after the second "line" insert "for the purpose of travel for agricultural purposes. The petition may be approved"

Page 1, line 10, replace "other property in which the petitioner has an" with "the parcel of land"

Page 1, line 11, remove "interest"

Page 1, line 12, replace ", provide minimal maintenance for the improvement, and assume liability for" with "to standards approved by the board."

Page 1, remove lines 13 through 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1348, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (18 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1348 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1361: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (13 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING). HB 1361 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1400: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1400 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1409: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (19 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1409 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1421: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1421 was placed on the Sixth order on the calendar.

Page 1, line 21, after the period insert "The term does not include:

- a. Any activity that requires a license or permit under chapter 20.1-03;
- b. Any activity that is usual and customary practice in production agriculture;
- c. Any show, fair, competition, performance, or parade;
- d. A rodeo;
- e. A wagon or buggy ride;
- f. Trail or pleasure riding; or
- g. Any activity that involves the training or teaching of animals."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1430: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (17 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1430 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1431, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (15 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1431 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1432, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (20 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed HB 1432 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1433, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (20 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1433 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1472: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1472 was placed on the Sixth order on the calendar.

Page 1, line 1, after "12.1-20" insert ", a new subsection to section 12.1-20-05, and a new subsection to section 12.1-20-12.1"

Page 1, line 2, after the semicolon insert "to amend and reenact subsection 14 of section 12.1-32-15 of the North Dakota Century Code, relating to liability of school officials;"

Page 1, line 9, after "of" insert "or has been adjudicated delinquent of", replace "sex" with "sexual", and after "minor" insert "or is required to register under section 12.1-32-15 or equivalent law of another state"

Page 1, line 10, replace "loiter near or" with "knowingly"

Page 1, line 11, after "school" insert ", except as provided in this section"

Page 1, line 13, remove "if the school board of a public school or the governing entity"

Page 1, remove line 14

Page 2, after line 8, insert:

e. The offender is a student at the school.

f. The offender is attending a religious service at the school while the school is not in session.

SECTION 2. A new subsection to section 12.1-20-05 of the North Dakota Century Code is created and enacted as follows:

An adult who commits a violation of subsection 1 within fifty feet [15.24 meters] of or on the real property comprising a public or private elementary or high school is guilty of a class C felony. An adult who commits a violation of subsection 2 within fifty feet [15.24 meters] of or on the real property comprising a public or private elementary or high school is guilty of a class B felony.

SECTION 3. A new subsection to section 12.1-20-12.1 of the North Dakota Century Code is created and enacted as follows:

A person who commits a violation of subsection 1 within fifty feet [15.24 meters] of or on the real property comprising a public or private elementary or high school is guilty of a class C felony. A person who commits a violation of subsection 2 within fifty feet [15.24 meters] of or on the real property comprising a public or private elementary or high school is guilty of a class B felony.

SECTION 4. AMENDMENT. Subsection 14 of section 12.1-32-15 of the North Dakota Century Code is amended and reenacted as follows:

14. A state officer, law enforcement agency, or school district or any appointee, officer, or employee of those entities is not subject to civil or criminal liability for making risk determinations, allowing a sexual offender to attend a school function under section 1 of this Act, or for disclosing or for failing to disclose information as permitted by this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1476: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1476 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 create and enact a new section to chapter 40-05 of the North Dakota Century Code, relating to golf carts on city streets.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 40-05 of the North Dakota Century Code is created and enacted as follows:

Golf carts on city streets. The governing body of a city may allow by an ordinance the operation of golf carts on the city streets. The ordinance may not allow a golf cart on federal, state, or county highways in the city, except for the perpendicular crossing of these highways. The ordinance may not allow the operation of a golf cart on city streets except for daytime travel between the owner's place of residence and a golf course. Golf carts that are allowed to operate on the city streets as the result of an ordinance are exempt from the title, registration, and equipment provisions of title 39."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1480: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1480 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and remove "and 57-20-07.1"

Page 1, line 2, remove "and information provided"

Page 1, line 3, remove "with property tax statements"

Page 1, line 9, remove the overstrike over "by", after "fifteen" insert "seven", remove the overstrike over "~~percent or more of~~", and remove "to more than the amount of"

Page 1, line 14, remove "not fewer than fifteen days before the meeting of the local equalization board"

Page 1, line 20, remove the overstrike over "~~to the property~~"

Page 1, remove the overstrike over line 21

Page 1, line 22, remove the overstrike over "~~be mailed or delivered~~"

Page 2, remove lines 1 through 18

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1486: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1486 was placed on the Sixth order on the calendar.

Page 1, line 13, after "the" insert "equivalent rate of a", replace "rate and former" with "with single or family coverage, however, this rate may be available only to non-medicare contracts. Former"

Page 1, line 14, after the first "assembly" insert "who have completed at least one legislative session in the assembly and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1492: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1492 was placed on the Sixth order on the calendar.

Page 2, line 2, remove the overstrike over "~~twenty five~~"

Page 2, line 3, remove "one hundred"

Page 2, line 4, after the period insert "Any corporation or limited liability company under section 10-06.1-09 which fails to comply with the court's order is subject to a civil penalty not to exceed one hundred thousand dollars and may be dissolved or terminated by the secretary of state."

Page 3, line 26, after the period insert:

"10. The civil penalty for a violation of section 10-06.1-09 may not exceed one hundred thousand dollars."

Page 3, line 27, overstrike "10." and insert immediately thereafter "11." and overstrike "Any" and insert immediately thereafter "Except as provided in subsection 10, any"

Page 3, line 28, remove the overstrike over "~~twenty five~~" and remove "one hundred"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1501: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1501 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 create and enact a new subsection to section 28-32-50 and a new section to chapter 61-28 of the North Dakota Century Code, relating to appeals regarding permits for livestock feedlots and other permitted facilities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 28-32-50 of the North Dakota Century Code is created and enacted as follows:

In any civil judicial proceeding involving adverse parties to an appeal or enforcement action involving an environmental permit issued under chapters 23-20.3, 23-25, 23-29, or 61-28 in which two or more of the adverse parties are not an administrative agency or an agent of an administrative agency, the court may award the prevailing nonagency party reasonable attorney's fees and costs if the court finds in favor of that party and determines that the nonprevailing nonagency party acted without substantial justification, or on the basis of claims or allegations that are factually unsupported. The court shall award reasonable attorney's fees and costs if the court determines that the nonprevailing nonagency party's claims or allegations are frivolous as provided in section 28-26-01. If the appeal or civil judicial proceeding covered by this subsection involves multiple claims or allegations, the court may apportion attorney's fees and costs in proportion to the time reasonably spent by a prevailing party relating to claims pursued by the nonprevailing party that were frivolous, factually unsupported, or without substantial justification.

SECTION 2. A new section to chapter 61-28 of the North Dakota Century Code is created and enacted as follows:

Appeal from permit proceedings. An appeal from the issuance, denial, modification, or revocation of a permit for which public notice or hearing is required under this chapter may be made by the person who filed the permit application, or by any person who is aggrieved by the permit application decision, provided that person participated in or provided comments during the hearing process for the permit application, modification, or revocation. An appeal must be taken within thirty days after the final permit application determination is mailed by first-class mail to the permit applicant and to any interested person who has requested a copy of the final permit determination during the permit hearing process. Except as provided in this section, an appeal of the final permit determination is governed by chapter 28-32. The department may substitute final permit conditions and written responses to public comments for findings of fact and conclusions of law. Except for violations of this chapter or any permit condition, rule, order, limitation, or other applicable requirement implementing this chapter which occur after the permit is issued, all challenges to the department's issuance, modification, or revocation of the permit or permit conditions must be made in the permit hearing process and may not be raised in any collateral or subsequent legal proceeding, and the applicant and any aggrieved person may raise on appeal only issues that were raised to the department in the permit hearing process."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1504: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1504 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 create and enact a new section to chapter 12-63 of the North Dakota Century Code, relating to tribal police officers; and to amend and reenact subsection 3 of section 12-63-01 of the North Dakota Century Code, relating to the definition of peace officer for purposes of the peace officer standards and training board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 12-63-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Peace officer" means a public servant authorized by law or by government agency or branch, which includes a federally recognized Indian tribe in this state, to enforce the law and to conduct or engage in investigations of violations of the law.

SECTION 2. A new section to chapter 12-63 of the North Dakota Century Code is created and enacted as follows:

Tribal peace officers. A peace officer who is a member of a police force of a tribal government who becomes licensed through the North Dakota law enforcement center is subject to the rules and procedures as provided in this chapter. A peace officer who is a member of a police force of a tribal government may act off reservation in a law enforcement capacity if the officer is a graduate of the law enforcement center or equivalent law enforcement training center or academy. If the tribal peace officer is a graduate of a non-North Dakota law enforcement center, the officer must show proficiency with North Dakota law to be licensed. A tribal peace officer may not act off reservation unless there is an agreement between the state or political subdivision and the tribe of which the tribal peace officer is a member governing the actions of the tribal peace officer off reservation. A tribal peace officer acting off reservation pursuant to an agreement with the state or political subdivision is liable for any act or omission of the officer."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1505, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (23 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1505 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1507: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1507 was placed on the Sixth order on the calendar.

Page 1, line 1, after "chapter" insert "44-04 and a new section to chapter"

Page 1, line 2, after the first "to" insert "exempting electronic mail addresses and telephone numbers from open records requirements and to"

Page 1, after line 4, insert:

"SECTION 1. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Electronic mail addresses and telephone numbers exempt. The electronic mail address or telephone number of an individual which is provided to a public entity for the purpose of or in the course of communicating with that public entity is an exempt record."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1511, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (23 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1511 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3007: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3007 was placed on the Sixth order on the calendar.

Page 1, line 13, after "\$2" insert ", an opportunity to petition for a referendum, and making the checkoff more inclusive"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3032: Government and Veterans Affairs Committee (Rep. Haas, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3032 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3033: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3033 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "transmitting" with "having been infected with"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3034: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3034 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3047: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3047 was placed on the Tenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Kretschmar, Brandenburg, Delmore introduced:

HCR 3050: A concurrent resolution directing the Legislative Council to study the filling of vacancies in the Legislative Assembly.

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

Reps. Kretschmar, Brandenburg introduced:

HCR 3051: A concurrent resolution directing the Legislative Council to study the procedures through which members of the Legislative Assembly are elected.

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

Reps. Kretschmar, Boehning, Wald introduced:

HCR 3052: A concurrent resolution for the amendment of section 25 of article XI of the Constitution of North Dakota, relating to the establishment of an in-state lottery.

Was read the first time and referred to the **Constitutional Revision Committee**.

Reps. Kretschmar, Klemin introduced:

HCR 3053: A concurrent resolution to repeal section 6 of article IV of the Constitution of North Dakota, relating to disqualification of members of the legislative assembly from holding full-time appointive state offices.

Was read the first time and referred to the **Constitutional Revision Committee**.

Reps. Kretschmar, Kroeber introduced:

HCR 3054: A concurrent resolution for the amendment of sections 7 and 13 of article IV of the Constitution of North Dakota, relating to sessions of the legislative assembly; and to provide an effective date.

Was read the first time and referred to the **Constitutional Revision Committee**.

Rep. Kretschmar and Sen. Nething introduced:

HCR 3055: A concurrent resolution to create and enact a new section to article V of the Constitution of North Dakota, relating to executive branch organization.

Was read the first time and referred to the **Constitutional Revision Committee**.

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

Buell J. Reich, Chief Clerk