

## JOURNAL OF THE HOUSE

## Sixtieth Legislative Assembly

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Bismarck, March 6, 2007

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

The prayer was offered by Pastor LaRue Goetz with Revival Prayer Fellowship, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 5, 2007, I have signed the following: HB 1037, HB 1053, HB 1064, HB 1098, HB 1104, HB 1114, HB 1122, HB 1178, HB 1193, HB 1201, HB 1236, HB 1261, HB 1318, HB 1341, HB 1347, HB 1374, HB 1376, HB 1377, HB 1387, HB 1454, and HB 1490.

**MOTION**

**REP. MONSON MOVED** that after action taken on the Sixth order, SB 2293 not be re-referred to Appropriations, be placed on the Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

**SIXTH ORDER OF BUSINESS**

**SPEAKER DELZER DEEMED** approval of the amendments to Engrossed SB 2057, SB 2168, SB 2293, Engrossed SB 2389, and SB 2411.

Engrossed SB 2057, as amended, was rereferred to the **Appropriations Committee**.

SB 2168, SB 2293, Engrossed SB 2389, and SB 2411, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. MONSON MOVED** that SB 2137 be moved to the bottom of the Fourteenth order, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that Engrossed SB 2248, which is on the Fourteenth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, Engrossed SB 2248 was rereferred.

**SECOND READING OF SENATE BILL**

**SB 2193:** A BILL for an Act to create and enact a new subsection to section 34-11.1-05 of the North Dakota Century Code, relating to prohibiting state agencies and political subdivisions from restricting employee access to the legislative assembly; to provide a penalty; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Boucher

SB 2193, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2214:** A BILL for an Act to amend and reenact section 2-02-02, subdivision c of subsection 4 of section 2-06-16, section 2-06-20, subsection 7 of section 6-09-15, subsection 7 of section 10-13-03, subsection 1 of section 11-09.1-05, sections 11-36-17 and 15-09-05, subsection 8 of section 15.1-09-33, subsection 7 of section 20.1-02-05, subsection 13 of section 23-11-11, sections 24-01-18, 24-05-09, 24-17-09, and 32-15-01, subsections 22, 36, 59, 66, 67, and 68 of section 40-05-01, subsection 19 of section 40-05-02, section 40-05-11, subsection 1 of section 40-05.1-06, sections 40-22-38, 40-34-01, and 40-34-15, subsection 1 of section 40-35-03, section 40-39-02, subsection 1 of section 40-49-12, section 40-58-02, subsection 3 of section 40-58-07, subsection 3 of section 40-61-03, subsection 4 of section 40-61-05, sections 48-02.1-05 and 49-17.2-18, subsection 3 of section 49-19-01, sections 49-19-12 and 54-17-10, subsection 8 of section 54-17.2-03, sections 54-18-04 and 61-02-22, subsection 6 of section 61-07-01, subsections 7 and 8 of section 61-07-03, subsection 3 of section 61-07-16, and sections 61-21-19, 61-21-64, 61-21.1-06, and 61-35-49 of the North Dakota Century Code, relating to the exercise of the power of eminent domain; to repeal section 40-58-08 of the North Dakota Century Code, relating to the use of eminent domain for urban renewal; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; 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; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Boucher

Engrossed SB 2214, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### MOTION

**REP. MONSON MOVED** that SB 2139 and SB 2292, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

### MOTION

**REP. MONSON MOVED** that SB 2156, which is on the Fourteenth order, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, SB 2156 was rereferred.

### SECOND READING OF SENATE BILL

**SB 2250:** A BILL for an Act to amend and reenact section 20.1-04-07 of the North Dakota Century Code, relating to youth spring wild turkey hunting licenses.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; 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; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Boucher

Engrossed SB 2250 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2263:** A BILL for an Act to amend and reenact section 39-04-10.10 of the North Dakota Century Code, relating to veterans' number plates.

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

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; 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

**NAYS:** Bellew; Dosch; Drovdal; Kasper

**ABSENT AND NOT VOTING:** Boucher

SB 2263 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2271:** A BILL for an Act to amend and reenact sections 11-33-01, 11-33.2-11, 40-47-04, 40-48-21, and 58-03-13 of the North Dakota Century Code, relating to requiring findings or statements upon which zoning requests and subdivision plat requests are disapproved.

### 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; Boe; Boehning; 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; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Boucher; Klemin

Engrossed SB 2271 passed and the title was agreed to.

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**MOTION**

**REP. MONSON MOVED** that SB 2273, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2360:** A BILL for an Act to amend and reenact section 39-04-10.13 of the North Dakota Century Code, relating to nonprofit organization number plates.

**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 64 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boe; Carlisle; Charging; Clark; Conrad; Dahl; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Glassheim; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Heller; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsh, S.; Kerzman; Kingsbury; Klein; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Potter; Ruby; Schmidt; Solberg; Sukut; Svedjan; Thorpe; Uglem; Vig; Wall; Williams; Wolf; Zaiser

**NAYS:** Bellew; Belter; Boehning; Brandenburg; Carlson; Damschen; DeKrey; Drovdal; Froseth; Grande; Griffin; Headland; Herbel; Kelsch, R.; Kempenich; Koppelman; Porter; Price; Schneider; Skarphol; Thoreson; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Boucher; Klemin

Engrossed SB 2360 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2369:** A BILL for an Act to amend and reenact section 61-35-15 of the North Dakota Century Code, relating to revenue bonds issued by water districts.

**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 66 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boe; Brandenburg; Carlson; Charging; Clark; Conrad; DeKrey; Delmore; Dietrich; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Koppelman; Kretschmar; Kroeber; Meyer, S.; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Potter; Price; Schmidt; Schneider; Solberg; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser

**NAYS:** Bellew; Belter; Boehning; Carlisle; Dahl; Damschen; Dosch; Drovdal; Headland; Heller; Karls; Keiser; Kelsch, R.; Kreidt; Martinson; Meier, L.; Metcalf; Monson; Owens; Pollert; Porter; Ruby; Skarphol; Sukut; Weiler; Speaker Delzer

**ABSENT AND NOT VOTING:** Boucher; Klemin

SB 2369 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2149:** A BILL for an Act to amend and reenact sections 11-11.1-03 and 40-57.4-03 of the North Dakota Century Code, relating to powers of job development authorities to take equity positions; and to provide for a legislative council study.

**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 89 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; 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; Zaiser

**NAYS:** Koppelman; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Boucher; Klemin

Engrossed SB 2149 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2081:** A BILL for an Act to amend and reenact sections 57-38.6-01, 57-38.6-02, and 57-38.6-03 of the North Dakota Century Code, relating to definitions and to the certification of a qualified business and calculation of the agricultural business investment tax credit; and to provide an effective date.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Boucher; Klemin

Engrossed SB 2081, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2148:** A BILL for an Act to amend and reenact sections 39-22-04, 39-22-06, 39-22-14, 39-22-15, 39-22-16, 39-22-17, 39-22-20, 39-22-21, 39-22-22, and 39-22-23 of the North Dakota Century Code, relating to penalties for motor vehicle dealer licensees.

### ROLL CALL

The question being on the final passage of the further amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Drovdal; Griffin; Meyer, S.; Weiler; Speaker Delzer

**ABSENT AND NOT VOTING:** Berg; Boucher; Klemin

SB 2148, as further amended, passed and the title was agreed to.

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

**SB 2165:** A BILL for an Act to amend and reenact section 39-20-01.1 of the North Dakota Century Code, relating to the chemical test of a driver in an accident.

### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 80 YEAS, 11 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Dahl; Griffin; Meyer, S.; Nelson; Porter; Schneider; Vig; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Boe; Boucher; Klemin

SB 2165, as amended, passed and the title was agreed to.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HCR 3030.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1382, HB 1383, HB 1468.

### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 6, 2007: HB 1382, HB 1383, HB 1468.

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

**MR. SPEAKER:** The President has signed: HB 1022, HB 1028, HB 1030, HB 1031, HB 1032, HB 1054, HB 1058, HB 1066, HB 1070, HB 1074, HB 1075, HB 1076, HB 1077, HB 1083, HB 1095, HB 1096, HB 1097, HB 1103, HB 1108, HB 1117, HB 1123, HB 1142, HB 1143, HB 1177, HB 1186, HB 1211, HB 1253, HB 1265, HB 1266, HB 1289, HB 1301, HB 1302.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1069, HB 1109, HB 1172, HB 1213, HB 1232, HB 1235, HB 1238, HB 1268, HB 1281, HB 1305, HB 1313, HB 1338, HB 1342, HB 1408, HB 1413, HB 1470, HB 1500, HB 1514, HCR 3044.

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

**MR. SPEAKER:** The President has signed: SB 2028, SB 2064, SB 2065, SB 2075, SB 2078, SB 2079, SB 2084, SB 2087, SB 2092, SB 2112, SB 2114, SB 2131, SB 2159, SB 2185, SB 2213, SB 2231, SB 2233, SB 2235, SB 2242.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1022, HB 1028, HB 1030, HB 1031, HB 1032, HB 1054, HB 1058, HB 1066, HB 1070, HB 1074, HB 1075, HB 1076, HB 1077, HB 1083, HB 1095, HB 1096, HB 1097, HB 1103, HB 1108, HB 1117, HB 1123, HB 1142, HB 1143, HB 1177, HB 1186, HB 1211, HB 1253, HB 1265, HB 1266, HB 1289, HB 1301, HB 1302.

### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 6, 2007: HB 1022, HB 1028, HB 1030, HB 1031, HB 1032, HB 1054, HB 1058, HB 1066, HB 1070, HB 1074,

HB 1075, HB 1076, HB 1077, HB 1083, HB 1095, HB 1096, HB 1097, HB 1103, HB 1108, HB 1117, HB 1123, HB 1142, HB 1143, HB 1177, HB 1186, HB 1211, HB 1253, HB 1265, HB 1266, HB 1289, HB 1301, HB 1302.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2031, SB 2216, SB 2359, SB 2380, SB 2381.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1291.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1065, HB 1155.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1065**

Page 1, line 12, overstrike "greater" and overstrike "association" and insert immediately thereafter "chamber of commerce"

Page 2, after line 5, insert:

"19. The Dakota transit association."

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1155**

Page 1, line 1, replace "subdivision" with "subdivisions h and"

Page 1, line 3, remove the second "and"

Page 1, line 4, after "26.1-08-13" insert ", and subsection 28 of section 26.1-36.3-01"

Page 1, line 5, after "Dakota" insert "and to a definition applicable to small employer employee health insurance"

Page 1, line 20, overstrike "means, with respect to an individual, coverage of the"

Page 1, overstrike lines 21 through 23

Page 2, overstrike lines 1 through 11

Page 2, line 12, overstrike "h. A public health plan as defined in federal regulations" and remove ", including a plan"

Page 2, remove line 13

Page 2, line 14, remove "government" and overstrike the semicolon

Page 2, overstrike lines 15 through 17

Page 2, line 18, overstrike "87-293; 75 Stat. 613; 22 U.S.C. 2504(e)]" and insert immediately thereafter "has the same meaning as "qualifying previous coverage" as defined under section 26.1-36.3-01"

Page 4, line 12, overstrike "or" and insert immediately thereafter "and"

Page 5, line 21, after the period insert "The board may waive the residency requirement upon a showing of good cause."

Page 6, line 19, replace "Subdivision" with "Subdivisions h and"

Page 6, line 20, replace "is" with "are"

Page 6, after line 20, insert:

"h. Develop and implement a program to publicize the existence of the association, the eligibility ~~requirement~~ requirements, and procedures for enrollment and to maintain public awareness of the association;"

Page 11, line 17, remove "or c"

Page 11, line 18, after "5" insert "or under subparagraph a of paragraph 1 of subdivision c of subsection 5"

Page 13, line 7, after "under" insert "medicare or"

Page 13, line 8, overstrike ", medicare, or"

Page 13, line 9, overstrike "medicaid"

Page 18, after line 17, insert:

**"SECTION 11. AMENDMENT.** Subsection 28 of section 26.1-36.3-01 of the North Dakota Century Code is amended and reenacted as follows:

28. "Qualifying previous coverage" and "qualifying existing coverage" mean, with respect to an individual, health benefits or coverage provided under any of the following:
- a. A group health benefit plan;
  - b. A health benefit plan;
  - c. Medicare;
  - d. Medicaid;
  - e. Civilian health and medical program for uniformed services;
  - f. A medical care program of the Indian health service or of a tribal organization;
  - g. A state health benefit risk pool, including coverage issued under chapter 26.1-08;
  - h. A health plan offered under 5 U.S.C. 89;
  - i. A public health plan as defined in federal regulations, including a plan maintained by a state government, the United States government, or a foreign government; and
  - j. A health benefit plan under section 5(e) of the Peace Corps Act [Pub. L. 87-293; 75 Stat. 612; 22 U.S.C. 2504(e)]; and
  - k. A state's children's health insurance program funded through title XXI of the federal Social Security Act [42 U.S.C. 1397aa et seq.].

The term "qualifying previous coverage" does not include coverage of benefits excepted from the definition of a "health benefit plan" under subsection 17."

Renumber accordingly

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1033, HB 1035, HB 1046, HB 1087, HB 1100, HB 1116, HB 1139, HB 1205, HB 1234, HB 1310, HCR 3020, HCR 3023, HCR 3033.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2354.

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, March 7, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2040, as engrossed and amended: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2040, as amended, was placed on the Sixth order on the calendar.



In lieu of the amendments adopted by the House as printed on page 801 of the House Journal, Engrossed Senate Bill No. 2040 is amended as follows:

Page 1, line 2, after "practices" insert "; to amend and reenact section 51-15-09 of the North Dakota Century Code, relating to barred claims for relief; and to declare an emergency"

Page 1, line 10, after the underscored period insert "This section does not authorize a private claim for relief for a violation of this section and no entity other than the attorney general may enforce this section.

**SECTION 2. AMENDMENT.** Section 51-15-09 of the North Dakota Century Code is amended and reenacted as follows:

**51-15-09. Claims not barred.** ~~The provisions of~~ Except as provided in section 1 of this Act, this chapter ~~do~~ does not bar any claim for relief by any person against any person who has acquired any moneys or property by means of any practice declared to be unlawful in this chapter. If the court finds the defendant knowingly committed the conduct, the court may order that the person commencing the action recover up to three times the actual damages proven and the court must order that the person commencing the action recover costs, disbursements, and actual reasonable attorney's fees incurred in the action.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2052: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2052 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2055: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2055 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2067: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2067 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2101, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2101 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2162: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2162 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2192: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2192 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2196, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2196 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "Prior to" with "Before"

Page 2, line 20, after the second boldfaced period, insert:

"1."

Page 2, line 22, overstrike "1." and insert immediately thereafter "a."

Page 2, line 25, overstrike "2." and insert immediately thereafter "b."

Page 2, line 27, overstrike "3." and insert immediately thereafter "c."

Page 2, line 28, overstrike "4." and insert immediately thereafter "d."

Page 3, line 1, overstrike "5." and insert immediately thereafter "e."

Page 3, line 4, overstrike "6." and insert immediately thereafter "f."

Page 3, line 6, overstrike "7." and insert immediately thereafter "g."

Page 3, line 9, overstrike "8." and insert immediately thereafter "h."

Page 3, line 13, replace "9." with "i."

Page 3, line 16, replace "10." with "j."

Page 3, line 17, replace "a." with "(1)"

Page 3, line 19, replace "b." with "(2)"

Page 3, line 21, replace "c." with "(3)"

Page 3, line 23, replace "No" with "2. A" and after "may" insert "not"

Page 3, line 25, replace "this" with "subdivision j of" and after "subsection" insert "1"

Page 3, after line 25, insert:

"3."

Page 4, line 13, replace "A commission may be denied, revoked, or suspended for the reasons set forth in" with "The"

Page 4, line 14, remove "subsection 1, or the" and replace "as" with "for a violation of subsection 1 if"

Page 4, line 16, replace ", including" with ". A lesser sanction includes", remove "reasonable", and replace "fine" with "penalty not to exceed five hundred dollars"

Page 4, line 20, remove "complaint must be in a form prescribed by the" and replace "and" with "shall provide a complaint form. The complainant shall use that form and the form"

Page 4, line 24, replace "institute" with "initiate"

Page 4, line 25, after "the" insert "secretary of state may dismiss the"

Page 4, line 26, remove "may be dismissed" and replace "institute" with "initiate"

Page 4, line 29, remove "Any person may be permitted to intervene and participate in secretary of state"

Page 4, remove lines 30 and 31

Page 5, line 1, remove "5."

Page 5, line 2, replace "vacation" with "termination"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2204: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2204 was placed on the Sixth order on the calendar.

Page 2, line 13, replace "called 911" with "contacted law enforcement or emergency medical services"

Page 2, line 15, replace "or" with an underscored comma

Page 2, line 17, after "scene" insert ", or was the individual in need of medical assistance" and remove "The maximum number of"

Page 2, remove line 18

Page 2, line 28, replace "called 911" with "contacted law enforcement or emergency medical services"

Page 2, line 30, replace "or" with an underscored comma

Page 3, line 1, after "scene" insert ", or was the individual in need of medical assistance" and remove "The maximum number"

Page 3, remove line 2

Page 3, line 9, replace "the police" with "law enforcement"

Page 4, line 26, replace "the police" with "law enforcement"

Page 5, line 16, replace "the police" with "law enforcement"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2215, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2215 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2219: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2219 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2245, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2245 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2255, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2255 was placed on the Sixth order on the calendar.

Page 3, line 17, after "lawful" insert "written" and after "customer" insert "on a separate document that is not incorporated into the contract for service"

Page 4, line 4, replace "right of action" with "claim for relief"

Page 4, line 9, replace "right of action" with "claim for relief for a violation of this section"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2259, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2259 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2265: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2265 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2295, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2295 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2324, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2324 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2338: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2338 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and" and after "appropriation" insert "; and to declare an emergency"

Page 1, after line 14, insert:

**"SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2343: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2343 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2385, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2385 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2392, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2392 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "home rule"

Page 1, line 7, remove "a.", remove the overstrike over "~~Fer~~", and remove "Except as otherwise provided under subdivision b, for"

Page 1, line 10, after the first comma insert "no city, including a home rule city, may establish" and overstrike "may be established, by ordinance, which"

Page 1, line 11, overstrike "may not exceed" and insert immediately thereafter "that exceeds"

Page 1, remove lines 13 through 20

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4021: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4021 was placed on the Tenth order on the calendar.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4008:** A concurrent resolution directing the Legislative Council to study issues affecting the delivery of child welfare services in the state, including out-of-home placement determinations; emphasis on family counseling, including in-home counseling; staffing patterns in county social services offices; supervision standards for child welfare staff; funding from private, state, and federal sources; and the viability of joint powers agreements among counties and the nature of public and private partnerships in support of effective child welfare services.

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

**SCR 4029:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of transferring some of the facilities and property of the State Hospital from the Department of Human Services to the Department of Corrections and Rehabilitation.

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

**SCR 4030:** A concurrent resolution directing the Legislative Council to study joint powers associations and school district reorganizations, annexations, and dissolutions.

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

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

**Buell J. Reich, Chief Clerk**

