

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

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Bismarck, April 5, 2007

The House convened at 8:30 a.m., with Speaker Delzer presiding.

The prayer was offered by Pastor Deanna Reikow with First Presbyterian Church, Mandan.

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

A quorum was declared by the Speaker.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KRETSCHMAR MOVED that the conference committee report on Engrossed SB 2222 as printed on HJ page 1440 be adopted, which motion prevailed on a voice vote.

MOTION

REP. BERG MOVED that SB 2389 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. VIGESAA MOVED that the conference committee report on Engrossed SB 2389 as printed on HJ page 1440 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. NOTTESTAD MOVED that the conference committee report on SB 2251 as printed on HJ page 1440 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. RUBY MOVED that the conference committee report on Engrossed SB 2406 as printed on HJ page 1440 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2406, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2406: A BILL for an Act to create and enact a new subdivision to subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to overwidth travel permits.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Boucher; 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; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Brandenburg; Thorpe

Engrossed SB 2406, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KRETSCHMAR MOVED that the conference committee report on Engrossed HB 1092 as printed on HJ page 1439 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1092, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1092: A BILL for an Act to create and enact sections 27-20-32.3, 27-20-48.2, 27-20-48.3, and 27-20-48.4 of the North Dakota Century Code, relating to active efforts in juvenile proceedings regarding Indian children and legal guardianships for children; to amend and reenact section 12-46-14, subsection 1 of section 15.1-29-14, sections 27-20-02 and 27-20-06, subsection 1 of section 27-20-10, sections 27-20-12, 27-20-13, 27-20-14, 27-20-15, 27-20-17, 27-20-19, 27-20-20, 27-20-24, 27-20-26, 27-20-28, 27-20-30, 27-20-31, 27-20-32.1, subsection 4 of section 27-20-34, subsections 2 and 3 of section 27-20-36, subsection 3 of section 27-20-37, subsection 1 of section 27-20-40, subsection 1 of section 27-20-42, section 27-20-44, subsection 2 of section 27-20-45, and sections 27-20-48, 27-20-48.1, 27-20-50, 27-20-54, 27-20-59, and 54-12-01.3 of the North Dakota Century Code, relating to proceedings under the Uniform Juvenile Court Act and references to juvenile supervisor; to repeal sections 27-05-29, 27-20-01, and 27-20-35 of the North Dakota Century Code, relating to assigned duties of juvenile supervisors and Uniform Juvenile Court Act proceedings; and to provide for a legislative council study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Boucher; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleeson; 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; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Brandenburg; Thorpe

Reengrossed HB 1092 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KLEMIN MOVED that the conference committee report on Engrossed HB 1219 as printed on HJ page 1439 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1219, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1219: A BILL for an Act to create and enact a new section to chapter 12.1-34 of the North Dakota Century Code, relating to establishment and administration of a statewide automated victim information and notification system; and to provide for a legislative council study.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Brandenburg; Charging; Thorpe

Reengrossed HB 1219 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HOFSTAD MOVED that the conference committee report on Engrossed HB 1513 as printed on HJ pages 1439-1440 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1513, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1513: A BILL for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to an emergency municipal, tribal, and rural water system drinking water grant program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Boucher; 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; 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; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Brandenburg; Thorpe

Reengrossed HB 1513 passed and the title was agreed to.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2070, SCR 4016, SCR 4022, SCR 4030, SCR 4032.

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

MR. SPEAKER: The President has signed: SB 2055, SB 2067, SB 2101, SB 2105, SB 2135, SB 2163, SB 2171, SB 2183, SB 2232, SB 2238, SB 2248.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1362, HB 1421, HB 1432, HB 1482, HB 1492, HB 1501, HB 1503, HCR 3003, HCR 3021, HCR 3028.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2062.

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

MR. PRESIDENT: The House has adopted the conference committee reports and subsequently passed: HB 1092, HB 1219, and HB 1513.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2406.

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

MR. PRESIDENT: The House has adopted the conference committee reports: SB 2222, SB 2251, and SB 2389.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1218, HB 1309, HB 1322, HB 1340, HB 1344, HB 1392, HB 1429, HB 1461, HB 1465, HB 1499, HCR 3046.

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1004: Sens. Kilzer; Holmberg; Mathern

HB 1007: Sens. Kilzer; Bowman; Mathern

HB 1016: Sens. Grindberg; Holmberg; Robinson

HB 1018: Sens. Grindberg; Holmberg; Robinson
HB 1021: Sens. Christmann; Fischer; Robinson

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has failed to pass: HB 1457.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1487.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1487

In lieu of the amendments adopted by the Senate as printed on page 763 of the Senate Journal, Reengrossed House Bill No. 1487 is amended as follows:

Page 1, line 1, replace "a low-interest student loan" with "and enact a new section to chapter 15-62.2 of the North Dakota Century Code, relating to a financial assistance grant"

Page 1, line 3, replace "a transfer; to provide a continuing" with "an"

Page 1, replace lines 17 through 24 with:

"SECTION 2. A new section to chapter 15-62.2 of the North Dakota Century Code is created and enacted as follows:

Financial assistance - Students enrolled in two-year institutions. The state board of higher education shall administer a program for the purpose of providing grants to resident students attending two-year institutions of higher education under the control of the state board of higher education. Grants available under this section may be in any amount up to one thousand dollars per year and are payable to resident students who demonstrate financial need.

SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be necessary, to the state board of higher education for the purpose of providing grants to resident students attending certain two-year institutions of higher education, for the biennium beginning July 1, 2007, and ending June 30, 2009. The state board of higher education may distribute no more than \$1,500,000 in grants under section 2 of this Act during each year of the biennium."

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 3

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: SB 2001, SB 2006, SB 2007.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HCR 3003, HCR 3021, HCR 3028.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HB 1056, HB 1060, HB 1129, HB 1134, HB 1136, HB 1138, HB 1147, HB 1155, HB 1160, HB 1195, HB 1227, HB 1229, HB 1241, HB 1258, HB 1282, HB 1293, HB 1295, HB 1304, HB 1312, HB 1315, HB 1360, HB 1362, HB 1421, HB 1432, HB 1434, HB 1446, HB 1472, HB 1482, HB 1483, HB 1492, HB 1501, HB 1503.

MOTION

REP. MONSON MOVED that the House stand in recess until 1:00 p.m., which motion prevailed. EB is 25.33.

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

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 4, 2007, I have signed the following: HB 1072 and HB 1169.

REPORT OF STANDING COMMITTEE

SB 2418, as reengrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS,

1 ABSENT AND NOT VOTING). Reengrossed SB 2418 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and" and after "indebtedness" insert "; to provide for an exception to the moratorium on expansion of long-term care bed capacity; and to provide for reports to the budget section"

Page 2, after line 4, insert:

"SECTION 3. EXCEPTION TO THE MORATORIUM ON EXPANSION OF LONG-TERM CARE BED CAPACITY. Notwithstanding North Dakota Century Code section 23-16-01.1, after completion of the veterans' home construction project, the veterans' home may add to the state's licensed nursing facility capacity by converting fourteen licensed basic care beds to licensed nursing facility beds.

SECTION 4. REPORTS TO THE BUDGET SECTION - VETERANS' HOME CONSTRUCTION PROJECT. The veterans' home shall provide periodic reports to the budget section regarding the status of the veterans' home construction project during the 2007-08 interim."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment allows the Veterans' Home to add licensed nursing facility beds and provides for periodic reports to the Budget Section from the Veterans' Home regarding the status of its construction project.

SIXTH ORDER OF BUSINESS

SB 2418, as reengrossed: REP. PRICE (Human Services Committee) MOVED that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1505, as engrossed: Your conference committee (Sens. Dever, Erbele, Heckaman and Reps. Hofstad, Porter, Kaldor) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 982-983, adopt further amendments as follows, and place HB 1505 on the Seventh order:

That the House accede to the Senate amendments as printed on page 983 of the House Journal and page 748 of the Senate Journal and that Engrossed House Bill No. 1505 be further amended as follows:

Page 1, line 13, remove "on June thirtieth"

Renumber accordingly

Engrossed HB 1505 was placed on the Seventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1505: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to the regulation of tattooing, body piercing, branding, subdermal implants, and scarification.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; 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; Klein; Klemm; 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; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: DeKrey; Kingsbury; Pinkerton; Thorpe

Reengrossed HB 1505 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. SVEDJAN MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2012, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2012: Reps. Pollert, Bellew, Metcalf

APPOINTMENT OF CONFERENCE COMMITTEE

REP. SVEDJAN MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2014, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

SB 2014: Reps. Bellew, Kreidt, Ekstrom

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2012: Reps. Pollert; Bellew; Metcalf

SB 2014: Reps. Bellew; Kreidt; Ekstrom

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1505.

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

MR. PRESIDENT: The Speaker has signed: SB 2062, SB 2070, SB 2129, SB 2268, SB 2310, SB 2336, SB 2338, SB 2397, SCR 4016, SCR 4022, SCR 4030, SCR 4032.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: SB 2154.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2037, SB 2111, SB 2125, SB 2236, SB 2247, SB 2274, SB 2277, SB 2411, SCR 4001.

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1029: Sens. Cook; Oehlke; Horne

HB 1403: Sens. Tollefson; Urlacher; Triplett

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2204.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1243.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1243

Page 1, line 7, overstrike "may" and insert immediately thereafter "is guilty of a class A misdemeanor if that person", remove the overstrike over "knowingly", remove "not willfully", and overstrike "sponsor" and insert immediately thereafter ", or with reckless disregard for its truth or falsity, publishes"

Page 1, line 9, remove the overstrike over the overstruck comma

Page 1, line 13, overstrike "or"

Page 1, line 14, after the comma insert "electronic transmission," and overstrike "Any person who violates the provisions of this"

Page 1, line 15, overstrike "section is guilty of a class A misdemeanor" and insert immediately thereafter "This section does not apply to a newspaper, television or radio station, or other commercial medium that is not the source of the political advertisement or news release"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1088, HB 1157, HB 1422.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1010, HB 1348, HB 1402, HB 1456.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HCR 3003, HCR 3016, HCR 3028, HCR 3059.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on April 5, 2007: HCR 3003, HCR 3016, HCR 3028, HCR 3049, HCR 3059.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1049.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1049

Page 1, line 3, after the comma insert "section 57-39.2-03.6,"

Page 1, line 6, after "tax" insert "rate reduction and" and after the first "for" insert "sales of natural gas and for"

Page 3, after line 16, insert:

"SECTION 2. AMENDMENT. Section 57-39.2-03.6 of the North Dakota Century Code is amended and reenacted as follows:

57-39.2-03.6. Sales tax rate on natural gas sales. Notwithstanding any other provisions of this chapter, the rate of the tax imposed under this chapter upon the gross receipts of retailers from all sales at retail of natural gas to retail consumers or users is four one percent from January 1, 1993, through December 31, 1993; three percent from January 1, 1994, through December 31, 1994."

Page 4, line 3, after "is" insert "exempt from the special fuel tax imposed by section 57-43.2-02 and subject to a tax at a rate of one percent under section 57-43.2-03 from July 1, 2008, through June 30, 2009, and after that date is"

Page 4, line 10, after "is" insert "exempt from the special fuel tax imposed by section 57-43.2-02 and subject to a tax at a rate of one percent under section 57-43.2-03 from July 1, 2008, through June 30, 2009, and thereafter is"

Page 4, line 20, replace "This" with "Sections 2 and 5 of this" and replace "is" with "are"

Page 4, line 21, replace "2007" with "2008" and after the period insert "Sections 1, 3, 4, and 6 of this Act are effective for taxable events occurring after June 30, 2009."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2222, SB 2251, SB 2389, SB 2406.

ANNOUNCEMENT

SPEAKER DELZER ANNOUNCED that the House stand in recess until 4:00 p.m..

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

SIXTH ORDER OF BUSINESS

SB 2032, as reengrossed and amended: REP. CARLISLE (Appropriations Committee)
MOVED that the amendments on HJ pages 1304-1309 be adopted and then be **REREFERRED** to the **Finance and Taxation Committee**, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MONSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1006 as printed on HJ pages 1437-1438 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1006: Reps. Kempenich, Thoreson, Kroeber.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MONSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1044 as printed on HJ page 1406 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1044: Reps. Carlson, Belter, Williams.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MONSON MOVED that the House do not concur in the Senate amendments to Reengrossed HB 1487 as printed on HJ page 1448 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Reengrossed HB 1487: Reps. Carlson, R. Kelsch, Williams.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. MONSON MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2011, Engrossed SB 2013, Engrossed SB 2017, Reengrossed SB 2021, SB 2022, Engrossed SB 2030, SB 2046, Engrossed SB 2057, Reengrossed SB 2060, Reengrossed SB 2072, Reengrossed SB 2103, Engrossed SB 2152, Engrossed SB 2161, Engrossed SB 2172, Engrossed SB 2178, Reengrossed SB 2225, SB 2243, SB 2260, Engrossed SB 2313, and Engrossed SB 2341, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

SB 2011: Reps. Thoreson, Kempenich, Williams

Engrossed SB 2013: Reps. Monson, Wald, Aarsvold

Engrossed SB 2017: Reps. Klein, Wald, Aarsvold

Reengrossed SB 2021: Reps. Wald, Klein, Aarsvold

SB 2022: Reps. Carlisle, Kempenich, Kroeber

Engrossed SB 2030: Reps. R. Kelsch, L. Meier, Mueller

SB 2046: Reps. Klein, Monson, Gulleon

Engrossed SB 2057: Reps. Monson, Hawken, Gulleon

Reengrossed SB 2060: Reps. Dahl, Weiler, Wolf

Reengrossed SB 2072: Reps. Vigesaa, N. Johnson, Amerman

Reengrossed SB 2103: Reps. Carlisle, Kempenich, Glassheim

Engrossed SB 2152: Reps. Weisz, Nelson, Potter

Engrossed SB 2161: Reps. Carlisle, Carlson, Williams

Engrossed SB 2172: Reps. Owens, Grande, Schmidt

Engrossed SB 2178: Reps. Skarphol, Carlisle, Glassheim

Reengrossed SB 2225: Reps. Carlson, Kempenich, Kroeber

SB 2243: Reps. Wieland, Nelson, Kerzman

SB 2260: Reps. Carlisle, Carlson, Kroeber

Engrossed SB 2313: Reps. Monson, Hawken, Gulleon

Engrossed SB 2341: Reps. Carlisle, Thoreson, Glassheim

MOTION

REP. MONSON MOVED that SB 2401 be moved to the Fifteenth order of business, which motion prevailed.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1006, HB 1044, and HB 1487 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1006: Reps. Kempenich; Thoreson; Kroeber

HB 1044: Reps. Carlson; Belter; Williams

HB 1487: Reps. Carlson; R. Kelsch; Williams

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2011: Reps. Thoreson; Kempenich; Williams

SB 2013: Reps. Monson; Wald; Carlson

SB 2017: Reps. Klein; Wald; Aarsvold

SB 2021: Reps. Wald; Klein; Aarsvold

SB 2022: Reps. Carlisle; Kempenich; Kroeber

SB 2030: Reps. R. Kelsch; L. Meier; Mueller

SB 2046: Reps. Klein; Monson; Gulleson

SB 2057: Reps. Monson; Hawken; Gulleson

SB 2060: Reps. Dahl; Weiler; Wolf

SB 2072: Reps. Vigesaa; N. Johnson; Amerman

SB 2103: Reps. Carlisle; Kempenich; Glassheim

SB 2152: Reps. Weisz; Nelson; Potter

SB 2161: Reps. Carlisle; Carlson; Williams

SB 2172: Reps. Owens; Grande; Schmidt

SB 2178: Reps. Skarphol; Carlisle; Glassheim

SB 2225: Reps. Carlson; Kempenich; Kroeber

SB 2243: Reps. Wieland; Nelson; Kerzman

SB 2260: Reps. Carlisle; Carlson; Kroeber

SB 2313: Reps. Monson; Hawken; Gulleson

SB 2341: Reps. Carlisle; Thoreson; Glassheim

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

MR. SPEAKER: The President has signed: SB 2108, SB 2115, SB 2128, SB 2136, SB 2148, SB 2168, SB 2169, SB 2176, SB 2193, SB 2194.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:00 p.m., Friday, April 6, 2007, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1065, as engrossed: Your conference committee (Sens. Andrist, G. Lee, Bakke and Reps. Vigesaa, Owens, Gruchalla) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 875, adopt amendments as follows, and place HB 1065 on the Seventh order:

That the Senate recede from its amendments as printed on page 875 of the House Journal and page 668 of the Senate Journal and that Engrossed House Bill No. 1065 be amended as follows:

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

Renumber accordingly

Engrossed HB 1065 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1089, as engrossed: Your conference committee (Sens. Andrist, Nething, Potter and Reps. Ruby, Vigesaa, Myxter) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1001 and place HB 1089 on the Seventh order.

Engrossed HB 1089 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1125, as reengrossed: Your conference committee (Sens. Flakoll, G. Lee, Taylor and Reps. Hawken, Martinson, Gulleon) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1338-1339 and place HB 1125 on the Seventh order.

Reengrossed HB 1125 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1270, as engrossed: Your conference committee (Sens. Flakoll, Freborg, Bakke and Reps. Herbel, Mueller, Wall) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1025, adopt amendments as follows, and place HB 1270 on the Seventh order:

That the Senate recede from its amendments as printed on page 1025 of the House Journal and page 777 of the Senate Journal and that Engrossed House Bill No. 1270 be amended as follows:

Page 1, line 16, remove "full six-hour"

Page 2, after line 3, insert:

"c. For purposes of this section, a "day for professional development activities" means:

(1) Six hours of professional development activities, exclusive of meals and other breaks, conducted within a single day; or

(2) Two four-hour periods of professional development activities, exclusive of meals and other breaks, conducted over two days.

3. If a school district offers a four-hour period of professional development activities, as permitted in subdivision c of subsection 2, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. The provisions of this subsection do not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section."

Page 2, line 4, overstrike "3." and insert immediately thereafter "4."

Page 2, line 9, overstrike "4." and insert immediately thereafter "5."

Page 2, line 15, overstrike "5." and insert immediately thereafter "6."

Page 2, line 22, overstrike "6." and insert immediately thereafter "7." and overstrike "3" and insert immediately thereafter "6"

Page 2, line 25, overstrike "7." and insert immediately thereafter "8."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

HB 1334, as engrossed: Your conference committee (Sens. G. Lee, Andrist, Fiebiger and Reps. R. Kelsch, Sukut, Myxter) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1001, adopt amendments as follows, and place HB 1334 on the Seventh order:

That the Senate recede from its amendments as printed on page 1001 of the House Journal and page 762 of the Senate Journal and that Engrossed House Bill No. 1334 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15.1-07-20 of the North Dakota Century Code, relating to requirements for certain school vehicle drivers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-07-20 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-20. Schoolbus School vehicle driver - Requirements.

1. ~~To be eligible to drive a schoolbus or other school vehicle, an~~
 - a. Except as otherwise provided in this subsection, if an individual transports students or other passengers in a school vehicle for which a commercial driver's license is not required, the individual must:
 - a- (1) Hold a ~~valid~~ North Dakota driver's license;
 - b- (2) Be free from communicable diseases;
 - e- (3) Be in good physical health and have normal use of both hands, both feet, both eyes, and both ears;
 - d- (4) Be of sound mental health;
 - e- (5) Pass any drug and alcohol screening tests required by the school board; and
 - f- (6) Be at least twenty-one years of age, unless the board of a school district determines that an individual not meeting this requirement can safely and adequately perform the required duties.
 - b. If the vehicle being used to transport students or other passengers under this subsection is a school vehicle for which a commercial driver's license is not required, but which is designed to seat ten to fifteen passengers, the individual must:
 - (1) Hold a North Dakota driver's license;
 - (2) Meet the physical and medical requirements established for commercial vehicle drivers;
 - (3) Complete any annual training required by the superintendent of public instruction; and
 - (4) Be at least twenty-one years of age, unless the board of a school district determines that an individual not meeting this requirement can safely and adequately perform the required duties.
2. ~~Each year, the board of a school district shall designate licensed health care professionals, as defined by department of transportation standards, to examine schoolbus and school vehicle drivers.~~
3. ~~Prior to commencing duties as the driver of a schoolbus or other school vehicle, whether employed by the school district or by another entity with whom the school board has contracted, and every two years thereafter, an individual shall present to the school board verification by a designated health care professional that the individual has been examined and meets the health requirements of this section.~~
4. ~~This section does not prohibit teachers or administrators employed by the district from operating vehicles for the purpose of transporting students to regular or special events related to educational programs in which the students are enrolled.~~

The board of a school district may request, at any time, that a health care professional designated by the board examine an individual to determine if the individual meets the physical and medical requirements of subsection 1. Any examination costs that remain after application of the individual's insurance coverage are the responsibility of the board."

Renumber accordingly

Engrossed HB 1334 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1380: Your conference committee (Sens. Oehlke, Dever, Marcellais and Reps. Froseth, Boehning, Amerman) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 826, adopt amendments as follows, and place HB 1380 on the Seventh order:

That the Senate recede from its amendments as printed on page 826 of the House Journal and page 633 of the Senate Journal and that House Bill No. 1380 be amended as follows:

Page 1, line 1, replace "sections" with "section" and remove "and 16.1-01-03"

Page 2, remove lines 1 through 16

Renumber accordingly

HB 1380 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2037, as engrossed: Your conference committee (Sens. Nething, Lyson, Marcellais and Reps. Kasper, Ruby, Thorpe) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 983, adopt amendments as follows, and place SB 2037 on the Seventh order:

That the House recede from its amendments as printed on page 983 of the Senate Journal and page 1002 of the House Journal and that Engrossed Senate Bill No. 2037 be amended as follows:

Page 2, line 12, remove ", legislative," and overstrike "or judicial"

Page 3, line 7, remove ", legislative, or judicial"

Page 5, line 1, remove the second underscored comma

Page 5, line 2, remove "legislative, or judicial"

Page 5, line 7, remove ", legislative, or judicial"

Renumber accordingly

Engrossed SB 2037 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2111: Your conference committee (Sens. Andrist, G. Lee, Bakke and Reps. Dosch, Vigesaa, Thorpe) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 667 and place SB 2111 on the Seventh order.

SB 2111 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2125, as engrossed: Your conference committee (Sens. Klein, Hacker, Heitkamp and Reps. Dietrich, Clark, Zaiser) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 826, adopt further amendments as follows, and place SB 2125 on the Seventh order:

That the Senate accede to the House amendments as printed on page 826 of the Senate Journal and pages 911 and 912 of the House Journal and that Engrossed Senate Bill No. 2125 be further amended as follows:

Page 4, line 6, after "~~property~~" insert ". The board's requirements may not exceed the appraisal foundation qualification criteria. The board shall review periodically the appraisal foundation appraisal qualification criteria to ensure the board's rules do not exceed the appraisal qualification criteria"

Page 4, line 9, after the underscored period insert "The board's requirements may not exceed the appraisal foundation qualification criteria. The board shall review periodically the"

appraisal foundation appraisal qualification criteria to ensure the board's rules do not exceed the appraisal qualification criteria."

Renumber accordingly

Engrossed SB 2125 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2154, as engrossed: Your conference committee (Sens. Klein, Wanzek, Heitkamp and Reps. Dosch, Kasper, Thorpe) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 883 and place SB 2154 on the Seventh order.

Engrossed SB 2154 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2204: Your conference committee (Sens. Lyson, Olafson, Fiebiger and Reps. Boehning, Kingsbury, Griffin) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 796, adopt amendments as follows, and place SB 2204 on the Seventh order:

That the House recede from its amendments as printed on page 796 of the Senate Journal and pages 878 and 879 of the House Journal and that Senate Bill No. 2204 be amended as follows:

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"

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"

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

SB 2204 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2236: Your conference committee (Sens. Olafson, Hacker, Anderson and Reps. Hatlestad, Kaldor, Klemin) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 667, adopt amendments as follows, and place SB 2236 on the Seventh order:

That the House recede from its amendments as printed on page 667 of the Senate Journal and page 793 of the House Journal and that Senate Bill No. 2236 be amended as follows:

Page 1, line 11, after "both" insert "in the same election"

Page 2, line 15, after "both" insert "in the same election"

Page 2, line 17, after "both" insert "in the same election"

Renumber accordingly

SB 2236 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2247, as engrossed: Your conference committee (Sens. Wanzek, Klein, Behm and Reps. Uglem, Brandenburg, Onstad) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 851 and place SB 2247 on the Seventh order.

Engrossed SB 2247 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2274: Your conference committee (Sens. Lyson, Olafson, Marcellais and Reps. Koppelman, Klemin, Griffin) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 827-831 and place SB 2274 on the Seventh order.

SB 2274 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2277, as engrossed: Your conference committee (Sens. Erbele, Wanzek, Heckaman and Reps. Wall, Vig, Heller) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 851-852 and place SB 2277 on the Seventh order.

Engrossed SB 2277 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2411: Your conference committee (Sens. Hacker, Andrist, Behm and Reps. Clark, Dietrich, Thorpe) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 759, adopt amendments as follows, and place SB 2411 on the Seventh order:

That the House recede from its amendments as printed on page 759 of the Senate Journal and page 863 of the House Journal and that Senate Bill No. 2411 be amended as follows:

Page 2, line 2, after the underscored period insert "A hobby boiler operating license issued under this section is valid for six years."

Page 2, line 11, remove "conditional"

Page 2, line 12, after the underscored period insert "An individual who is not a resident of this state and who holds a boiler operator license or credential in another state or Canadian province is exempt from licensure as a hobby boiler operator in this state."

Renumber accordingly

SB 2411 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SCR 4001: Your conference committee (Sens. Tollefson, Urlacher, Triplett and Reps. DeKrey, Drovdal, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 898, adopt amendments as follows, and place SCR 4001 on the Seventh order:

That the House recede from its amendments as printed on page 898 of the Senate Journal and pages 960 and 961 of the House Journal and that Senate Concurrent Resolution No. 4001 be amended as follows:

Page 1, line 1, replace "nation's outer" with "entire nation"

Page 1, line 2, remove "continental shelf"

Page 1, after line 2, insert:

"**WHEREAS**, the oil and gas industry has demonstrated that onshore and offshore oil and natural gas resources can be developed in an environmentally responsible manner; and"

Page 2, after line 30, insert:

"**WHEREAS**, the Arctic National Wildlife Refuge has shown great potential for oil and natural gas production; and"

Page 3, line 2, after "coasts" insert "and in the Arctic National Wildlife Refuge"

Page 3, line 8, replace "nation's outer continental shelf" with "entire nation"

Renumber accordingly

SCR 4001 was placed on the Seventh order of business on the calendar.

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

Buell J. Reich, Chief Clerk

