

## JOURNAL OF THE HOUSE

## Sixtieth Legislative Assembly

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Bismarck, January 29, 2007

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

The prayer was offered by Father Patrick Schumacher, Church of St. Joseph, Mandan.

The roll was called and all members were present except Representatives Dosch, Grande, and S. Kelsh.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER DELZER DEEMED** approval of the amendments to HB 1113, HB 1197, HB 1248, HB 1312 and HB 1431.

HB 1197, as amended, was rereferred to the **Appropriations Committee**.

HB 1113, HB 1248, HB 1312 and HB 1431, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. MONSON MOVED** that HB 1182, which is on the Eleventh order, be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1182 was rereferred.

## MOTION

**REP. MONSON MOVED** that HB 1112, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

## MOTION

**REP. PORTER MOVED** that HB 1240 be returned to the House floor from the **Natural Resources Committee** for the purpose of withdrawal, which motion failed.

## REQUEST

**REP. DIETRICH REQUESTED** the unanimous consent of the House to withdraw HB 1240. There being no objection, it was so ordered by the Speaker.

## SECOND READING OF HOUSE BILL

**HB 1046:** A BILL for an Act to amend and reenact section 15.1-29-04 and subsection 5 of section 15.1-29-14 of the North Dakota Century Code, relating to the required payment of tuition, transportation, and tutoring charges.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Dosch; Grande; Kelsh, S.

Engrossed HB 1046 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1120:** A BILL for an Act to amend and reenact sections 39-26-01, 39-26-02, 39-26-10, and 39-26-12 of the North Dakota Century Code, relating to abandoned motor vehicles.

**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 1 YEAS, 90 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Belter

**NAYS:** Aarsvold; Amerman; Bellew; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Gulleeson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; 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:** Dosch; Grande; Kelsh, S.

HB 1120 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1158:** A BILL for an Act to amend and reenact subsection 3 of section 39-06-17 of the North Dakota Century Code, relating to a restricted permit to operate an automobile.

**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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

HB 1158 passed and the title was agreed to.

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**MOTION**

**REP. BERG MOVED** that HB 1195, which is on the Eleventh order, be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, HB 1195 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1225:** A BILL for an Act to amend and reenacted subsection 1 of section 40-63-03 of the North Dakota Century Code, relating to a renaissance zone size and boundary.

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovdal; Ekstrom; Froseth; Glassheim; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; 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; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Froelich; Kerzman; Solberg

**ABSENT AND NOT VOTING:** Dosch; Grande; Kelsh, S.

HB 1225 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1244:** A BILL for an Act to amend and reenact section 54-52.1-04 of the North Dakota Century Code, relating to confidentiality of pharmaceutical manufacturer rebates obtained by the public employees retirement system.

### ROLL CALL

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

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

HB 1244 lost.

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### SECOND READING OF HOUSE BILL

**HB 1252:** A BILL for an Act to create and enact a new section to chapter 39-04 and a new subsection to section 39-04-19 of the North Dakota Century Code, relating to intrastate commercial farm vehicles.

### 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 16 YEAS, 75 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Brandenburg; Carlisle; Clark; DeKrey; Froelich; Froseth; Gulleon; Johnson, D.; Kaldor; Kempenich; Meyer, S.; Pollert; Weiler; Weisz; Speaker Delzer

**NAYS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; Charging; Conrad; Dahl; Damschen; Delmore; Dietrich; Drovdal; Ekstrom; Glassheim; Griffin; Gruchalla; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Wieland; Williams; Wolf; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Dosch; Grande; Kelsh, S.

HB 1252 lost.

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### SECOND READING OF HOUSE BILL

**HB 1259:** A BILL for an Act to amend and reenact subsection 2 of section 39-08-01 of the North Dakota Century Code, relating to the criminal penalty for driving while under the influence.

### 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 83 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Froelich; Headland; Kerzman; Meyer, S.; Mueller; Vig; Wrangham

**ABSENT AND NOT VOTING:** Boe; Dosch; Grande; Kelsh, S.

HB 1259 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1268:** A BILL for an Act to amend and reenact subsection 2 of section 61-39-14 of the North Dakota Century Code, relating to duties of the Lake Agassiz water authority relative to the issuance of bonds.

### 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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

HB 1268 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1270:** A BILL for an Act to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to professional development days for teachers.

### 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 84 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Carlson; Dietrich; Headland; Ruby; Thoreson; Weiler

**ABSENT AND NOT VOTING:** Dosch; Grande; Kelsh, S.

Engrossed HB 1270 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

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

### 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, 60 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Charging; Conrad; Ekstrom; Froelich; Glassheim; Griffin; Gulleon; Hatlestad; Kaldor; Kempenich; Kerzman; Metcalf; Meyer, S.; Mueller; Nelson; Onstad; Pinkerton; Potter; Price; Schmidt; Schneider; Sukut; Thorpe; Vig; Vigesaa; Wolf; Wrangham; Zaiser

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehning; Brandenburg; Carlisle; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Dietrich; Drovdal; Froseth; Gruchalla; Haas; Hanson; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Monson; Myxter; Nottestad; Owens; Pietsch; Pollert; Porter; Ruby; Skarphol; Solberg; Svedjan; Thoreson; Uglem; Wald; Wall; Weiler; Weisz; Wieland; Williams; Speaker Delzer

**ABSENT AND NOT VOTING:** Dosch; Grande; Kelsh, S.

HB 1325 lost.

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### SECOND READING OF HOUSE BILL

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

### 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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

HB 1326 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

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

### 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 74 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Amerman; Belter; Boe; Boucher; Carlson; Charging; Ekstrom; Griffin; Gulleston; Onstad; Potter; Schmidt; Schneider; Solberg; Vig; Weiler; Zaiser

**ABSENT AND NOT VOTING:** Dosch; Grande; Kelsh, S.

Engrossed HB 1333 passed and the title was agreed to.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1503.

### 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 1061, HB 1066, HB 1083, HB 1114, HB 1126, HB 1149, HB 1186, HB 1303, HB 1347, HB 1413, HB 1422, HB 1466, HB 1488.

### 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 2036, SB 2073, SB 2096, SB 2123, SB 2125, SB 2126, SB 2128, SB 2148, SB 2152, SB 2171, SB 2195, SB 2204, SB 2216, SB 2231, SB 2235, SB 2242, SB 2274, SB 2289, SCR 4007.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4010.

### MOTION

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

### MOTION

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, January 30, 2007, which motion prevailed.

### REPORT OF STANDING COMMITTEE

**HB 1048: 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 1048 was placed on the Sixth order on the calendar.

Page 1, line 18, replace the first "clerk of court" with "county treasurer" and replace the second "clerk of court" with "county treasurer"

Page 1, line 20, after the underscored period insert "A trust in existence on the effective date of this Act may be transferred to the county treasurer of the county in which the mineral leasehold, or royalty interest is located."

Page 2, line 11, after the underscored period insert "The creation of a trust in favor of unlocatable owners does not affect the right of a surface owner who succeeds to ownership of a mineral interest upon its lapse under chapter 38-18.1. A person who succeeds to ownership under chapter 38-18.1 owns the mineral interest and the proceeds from the mineral interest from the date of succession."

Page 2, line 12, replace "Fifty" with "Upon receipt, fifty" and remove ", including interest earned."

Page 2, line 16, replace "Upon the payment of a five dollar fee, a" with "A"

Page 2, line 18, replace "file" with "record"

Page 2, line 20, replace "Filing" with "Recording"

Page 2, line 21, remove "The recorder shall forward a"

Page 2, remove line 22

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1099: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1099 was placed on the Sixth order on the calendar.

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

Page 2, line 1, remove "into"

Page 2, line 8, after "1" insert an underscored comma

Page 2, line 9, remove "or" and after "2" insert ", or 6"

Page 2, line 10, after "(5)" insert "Technical, financial, or marketing records that are received by a public entity, which are owned or controlled by the submitting person, are intended to be and are treated by the submitting person as private, and the disclosure of which would cause harm to the submitting person's business."

(6)"

Page 2, line 12, replace "(6)" with "(7)"

Page 2, line 20, replace "(7)" with "(8)" and after "copyright" insert an underscored comma

Page 4, line 1, after "4." insert "This section does not limit the release or use of records obtained in an investigation by the attorney general or other law enforcement official."

5."

Page 4, line 7, overstrike "or" and after "state" insert ", or partner with a public entity to conduct research or to license a discovery or innovation"

Page 4, line 15, remove the overstrike over "6.", remove "5.", and remove the overstrike over "5"

Page 4, line 16, remove "4"

Page 4, after line 21, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1127: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1127 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House of Representatives as printed on pages 225 and 226 of the House Journal, House Bill No. 1127 is amended as follows:

Page 1, line 3, after the first comma insert "section 49-24-13," and after the second comma insert "section 54-17.5-06,"

Page 1, line 5, replace the first "and" with a comma and after "commission" insert ", reporting requirements, and confidential records"

Page 1, after line 12, insert:

**"SECTION 2. AMENDMENT.** Section 49-24-13 of the North Dakota Century Code is amended and reenacted as follows:

**49-24-13. ~~Biennial report to legislative council~~Reporting requirements.** The authority shall deliver a written report on its activities to the legislative council each biennium. Notwithstanding chapter 54-60.1, the authority shall provide an annual report to the industrial commission detailing activities and expenditures incurred during the preceding year."

Page 1, remove line 20

Page 1, line 21, remove "Constitution of North Dakota and"

Page 2, line 10, replace "A request" with "The information submitted"

Page 2, line 19, after "money" insert "in an amount not to exceed six million dollars"

Page 2, line 20, after "money" insert "in an amount not to exceed six million dollars"

Page 2, after line 24, insert:

**"SECTION 5. AMENDMENT.** Section 54-17.5-06 of the North Dakota Century Code is amended and reenacted as follows:

**54-17.5-06. Access to commission records.**

1. Materials and data submitted to, or made or received by, the commission, to the extent that the commission determines the materials or data consist of trade secrets or commercial, financial, or proprietary information of individuals or entities applying to or contracting with the commission or receiving commission services under this chapter, ~~are not public records subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota, and~~ are subject to section 44-04-18.4.
2. A person or entity must file a request with the commission to have material designated as confidential under subsection 1. The request must contain any information required by the commission, and must include at least the following:
  - a. A general description of the nature of the information sought to be protected.
  - b. An explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons.
  - c. An explanation of why the information is not readily ascertainable by proper means by other persons.
  - d. A general description of any person or entity that may obtain economic value from disclosure or use of the information, and how the person or entity may obtain this value.

- e. A description of the efforts used to maintain the secrecy of the information.
3. Any request information submitted under subsection 2 is confidential. The commission shall examine the request and determine whether the information is relevant to the matter at hand and is a trade secret under the definition in section 47-25.1-01 or 44-04-18.4. If the commission determines the information is either not relevant or not a trade secret, the commission shall notify the requester and the requester may ask for the return of the information and request within ten days of the notice. If no return is sought, the information and request are a public record.
4. The names or identities of independent technical reviewers on any project or program and the names of individual lignite council members making recommendations are confidential; ~~and may not be disclosed by the commission, and are not public records subject to section 44-04-18 or section 6 of article XI of the Constitution of North Dakota.~~

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1174: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1174 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 54-06 of the North Dakota Century Code, relating to prohibiting executive branch agencies from funding salary increases through the use of funds due to vacancies.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 54-06 of the North Dakota Century Code is created and enacted as follows:

Salary increases - Use of certain funds prohibited. An executive branch state agency, excluding entities under the control of the state board of higher education, may not provide for an employee salary increase through the use of any funds made available to the agency as a result of a vacancy in an employee position within the agency."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1177: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1177 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "Notwithstanding the provisions of any contract" with:

- "1. a. If, after the conclusion of a school calendar, the board of a school district has a teaching position vacant and if the board, having done all things necessary and proper, is unable to fill that position by the forty-fifth day prior to the start of the district's school calendar with an individual who is highly qualified and who meets reasonable criteria established by the board, the board shall notify the superintendent of public instruction that:
  - (1) A teaching position is vacant;
  - (2) The board has done all things necessary and proper after learning of the vacancy to find a suitable and highly qualified candidate; and
  - (3) The board will be unable to meet the statutory requirements for school approval if the position remains unfilled.

- b. Unless the superintendent of public instruction has reason to believe that the information contained in the notice as provided in subdivision a is not accurate, the superintendent shall authorize the board, notwithstanding the terms of any agreement negotiated under this chapter, to increase the compensation offered for that position to the extent deemed necessary by the board in order to attract a suitable and highly qualified individual. The compensation paid to a successful applicant under this section may not be reduced in future years.
- 2. a. If a teaching position becomes vacant during a school calendar or less than forty-five days prior to the start of the school calendar, the board of a school district shall do all things necessary and proper to ensure that the vacancy causes only minimal disruption to the instruction of students and that the position becomes filled as quickly as possible by a highly qualified individual who meets the reasonable criteria established by the board. The board shall notify the superintendent of public instruction that the vacancy exists and that the board will be unable to meet the requirements for school approval if the position remains unfilled.
  - b. Upon receipt of the notice as provided in subdivision a, the superintendent of public instruction shall contact the several education associations in this state and ask that they assist the board of the school district in any way possible to locate and employ an individual under the terms of the district's existing negotiated agreement. Only when the superintendent determines that all reasonable efforts have been unsuccessful may the superintendent authorize the board, notwithstanding the terms of any agreement negotiated under this chapter, to offer the level of compensation it deems necessary in order to attract a suitable and highly qualified individual for the duration of the school calendar.
- 3. If an individual resigns from a teaching position with a district, the individual may be rehired by the board of that district to fill a vacancy, but the individual is not eligible to receive a level of compensation greater than that provided for in the district's negotiated agreement.
  - 4. If an individual has taught in this state during the preceding twelve months, the individual is not eligible to receive a level of compensation greater than that provided for in the district's negotiated agreement.
  - 5. This section is applicable to contracts that are negotiated under this chapter and which take effect after July 31, 2007."

Page 1, remove lines 7 though 13

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1229: Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1229 was placed on the Sixth order on the calendar.

Page 1, line 9, after the period insert "At least twenty days before applying for a permit, the applicant shall give notice of intention to apply for a permit to the record owner, as set forth in the office of the county treasurer. The applicant also shall notify the owner of any permanently occupied dwelling located within one-quarter mile [402.34 meters ] of the proposed oil or gas well. If the occupied dwelling lies within city limits, notification may be given by contacting the local governing board."

Page 1, line 11, replace "six" with "five", remove "sixty", and replace "201.17" with "152.4"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1265: 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 1265 was placed on the Sixth order on the calendar.

Page 1, line 8, after "board" insert ", upon approval of the appropriate road authority."

Page 1, line 11, after "streamcrossing" insert "and construction site protection"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1284: Political Subdivisions Committee (Rep. Herbel, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1284 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "An individual violating this provision forfeits both offices and any"

Page 1, remove line 10

Page 1, line 15, remove "An individual violating this provision forfeits"

Page 1, remove line 16

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1353: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1353 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the first comma with "and" and remove the second comma

Page 1, line 2, remove "and subsection 2 of section 23-12-10.2"

Page 1, line 3, remove "and local government enforcement of smoking"

Page 1, line 4, remove "restrictions"

Page 4, remove lines 17 through 26

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1374: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1374 was placed on the Sixth order on the calendar.

Page 1, line 9, after "conducted" insert "according to guidelines established by the secretary of state and"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1376: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1376 was placed on the Sixth order on the calendar.

Page 1, line 23, replace "an initiated measure" with "any reason"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1506: 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 1506 was placed on the Sixth order on the calendar.

Page 1, line 14, after the underscored period insert "Municipal and cooperative utilities that receive wholesale electricity through a municipal power agency or generation and transmission cooperative may aggregate their renewable and recycled energy objective resources to meet this objective."

Page 2, line 27, replace "commission case PU-05-364" with "commission's"

Page 2, line 28, remove "which stipulates"

Page 3, line 17, replace "determination - Reporting" with "evaluation"

Page 3, line 18, remove "requirement" and after the second underscored comma insert "to meet the objective."

Page 3, line 19, after "provider" insert "or its generation supplier" and replace "determination that" with "evaluation to determine if"

Page 3, line 20, remove "more", replace "than existing" with "considering other", and replace "This economic determination" with "After evaluating the renewable and recycled energy objective and economic evaluation, the retail provider or its generation supplier may use the electricity alternative that best meets its resource or customer needs."

Page 3, remove lines 21 through 24

Page 4, line 5, after "previous" insert "calendar"

Renumber accordingly

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

**Buell J. Reich, Chief Clerk**