

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

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Bismarck, January 5, 2007

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

The prayer was offered by Rev. Tim Jenks, Bethel Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Delmore, Hawken, Metcalf, Skarphol, and Zaiser.

A quorum was declared by the Speaker.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth and Ninth orders of business and at the conclusion of those orders, the House stand in recess until 1:15 p.m. at which time the House will meet in Joint Session with the Senate and that after the Joint Session with the Senate, the House stand adjourned until 1:00 p.m., Monday, January 8, 2007, which motion prevailed.

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

MOTION

REP. MONSON MOVED that a committee of two be appointed to escort Judy Lee, President Pro Tem to the rostrum, which motion prevailed. President Pro Tem Lee appointed Rep. Koppelman and Sen. G. Lee to the escort committee.

SPEAKER DELZER PRESENTED President Pro Tem J. Lee to the Assembly and turned the gavel over to her.

MOTION

REP. MONSON MOVED that a committee of two be appointed to escort the Honorable John Hoeven, Governor of the Great State of North Dakota, to the rostrum, which motion prevailed. President Pro Tem Lee appointed Sen. Stenejhem and Rep. Berg to the escort committee.

MOTION

REP. MONSON MOVED that a committee of two be appointed to escort Chairwoman Myra Pearson, Spirit Lake Tribe; Chairwoman Marcus Wells, Jr., Mandan Hidatsa and Arikara Tribes; Chairwoman Walt Moran, Trenton Indian Service Area; and Chairman Ron His-Horse-Is-Thunder, Standing Rock Sioux Tribe to special seating in the chamber, which motion prevailed. President Pro Tem Lee appointed Sen. Olafson and Rep. Charging to the escort committee.

MOTION

REP. MONSON MOVED that a committee of two be appointed to escort David Brien, Tribal Chairman of the Turtle Mountain Band of Chippewa, to the rostrum, which motion prevailed. President Pro Tem Lee appointed Sen. Marcellais and Rep. Boucher to the escort committee.

State of the Tribal-State Relationship
January 4, 2007
Honorable David Brien
Chairman, Turtle Mountain Band of Chippewa

Sni ka shon nee hee wow, apee tow kooshin, tawshi keya awaw anouch Mezame.

It is an honor to be invited here to present the 12th State of the Indian Nations Address. The first was provided by Russell Hawkens, Chair, Sisseton-Wahpeton, in 1985.

I would like to apologize in advance for my limitations in providing such an important presentation and if for some reason I say anything that is offensive or distasteful to any person, I'm sorry. Maybe we can have coffee later and I can further explain my position.

Honorable members of the North Dakota state government . . . executive branch officials, legislative branch officials, and judicial branch members and citizens of North Dakota, I am here today representing five aboriginal peoples or Nations with land holdings within the boundaries of North Dakota. I cannot begin to presume that in this short presentation I will be able to express the needs, aspirations, and hopes of the peoples of Standing Rock, Spirit Lake Nation, Three Affiliated, Sisseton-Wahpeton, and yes even Turtle Mountain Chippewa and Trenton Indian Service Area.

As each branch of the North Dakota government carries out its constitutional duties and responsibilities, please keep in mind that as a result of treaties, federal Indian law, and actions by the United States Congress and federal courts, tribes have a unique international, national, and local government-to-government relationship with federal and state governments.

The primary areas of tribal concern on the Turtle Mountain Reservation are:

1. Poverty.
2. Job creation.
3. Health care and wellness.
4. Housing.
5. Water quality and quantity.
6. Roads and transportation.

All of these issues will be solved and supported by focusing upon the most basic unit of society, the family, mom and dad and children, through offering highest quality affordable educational opportunities to all ages of our state's population, especially the poor, be it through home schooling, private schools, tribal school, or public educational institutions.

If primary concerns of tribes are supported by authorized state laws and appropriated dollars, then of course the greatest quest of Tribal Nations within North America and North Dakota will incrementally and concretely be advanced and that is strong healthy families through economic self-sufficiency and determination.

Given the great desire for economic, entrepreneurial, and community development within North Dakota's Indian Country, let the White Man and the Red Man resolve to achieve several specific objectives:

PERSONAL LEVEL

Promote the spirit of understanding, dialogue, and unity among Tribal Governments and state governments, but especially among individuals, e.g., invite a Native person to supper.

EDUCATIONAL LEVEL

Support and promote organized and consistent dialogue through our tribal colleges and North Dakota University System by increasing faculty, staff, and student exchanges.

STATE LEVEL

Fully support the Governor's Indian Affairs Commission and continue the work of the Indian Legislature dialogue group.

SPIRITUAL LEVEL

Prayer.

Before I conclude my remarks, I would like to acknowledge all of the little people who work behind the scenes to help make Indian and state relations a success. Though I will or may never know you personally, I salute you and thank you!

In addition, I would like to acknowledge my No. 1 advisor in life, my father, Aloycius and my mother, Theresa Brien and my six older brothers Pierre, Charles, Ben, Terrance, Mark, and Michael, and Auntie Stella and of course my wife Nancy and children Rosie, Gabriel, Claire, Anne, Maria, Mathias, and Nathaniel.

In addition, I would like to thank several additional elders/mentors who have enriched my life with their kind words, example, support, and most importantly, friendship: the late Bishop James Sullivan, Tom Tracy and family, Earl Strinden, Claire Carlson, and my new acquaintance which I trust will grow into true respect and friendship, the North Dakota elected officials.

We have been united through my words. My friends allow us to be united spiritually by concluding with several prayers.

A quote from John Paul II, Getting the Right Perspective. "There is the temptation of thinking that the results of our work and labor depend on our ability to act and to plan. God invites us to invest all our resources of intelligence and energy in serving the cause of the kingdom, but it is fatal to forget that 'without Christ we can do nothing.'"

Thank you.

MOTION

REP. MONSON MOVED that the address of Chairman Brien be printed in the journal, which motion prevailed.

MOTION

REP. MONSON MOVED that the Joint Session be dissolved, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1067: 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 1067 was placed on the Sixth order on the calendar.

Page 1, line 21, overstrike "loan" and insert immediately thereafter "lend"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1068: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1068 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1087: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1087 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1090: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1090 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1094: Political Subdivisions Committee (Rep. Herbel, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1094 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

Reps. Haas, D. Johnson, Monson, Schmidt and Sens. J. Lee, Warner introduced:

HB 1162: A BILL for an Act to create and enact a new section to chapter 11-11 of the North Dakota Century Code, relating to counties ensuring emergency medical services coverage and state health council rules.

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

Reps. DeKrey, Drovdal, Grande, Thoreson and Sen. G. Lee introduced:

HB 1169: A BILL for an Act to amend and reenact section 15.1-02-01 of the North Dakota Century Code, relating to qualifications of the superintendent of public instruction.

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

Rep. Carlson introduced:

HB 1173: A BILL for an Act to create and enact two new sections to chapter 54-35 of the North Dakota Century Code, relating to review and approval of legislative branch budget requests and establishment of a compensation system by the legislative council.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Rep. Carlson introduced:

HB 1174: A BILL for an Act to create a state employment review commission and to require agencies to obtain approval from the commission before filling a vacant employee position.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Carlson, Wald introduced:

HB 1175: A BILL for an Act to amend and reenact section 54-35-10 of the North Dakota Century Code, relating to compensation and expense reimbursement for members and members-elect of the legislative assembly for attendance at the biennial meeting of the legislative council.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Rep. Carlson introduced:

HB 1176: A BILL for an Act to amend and reenact sections 54-03-20, 54-06-09, and 54-35-10 of the North Dakota Century Code, relating to legislative compensation and state officer and employee mileage reimbursement; and to repeal sections 54-03-19.1 and 54-03-19.2 of the North Dakota Century Code, relating to the legislative compensation commission.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. DeKrey, Guleson, R. Kelsch, Solberg and Sens. Lyson, Marcellais introduced:

HB 1180: A BILL for an Act to amend and reenact section 53-06.2-02 of the North Dakota Century Code, relating to the membership of the racing commission.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Headland, Belter, Brandenburg and Sens. Erbele, Klein, Wanzek introduced:

HB 1181: A BILL for an Act to amend and reenact section 60-10-03 of the North Dakota Century Code, relating to the credit-sale contract indemnity fund.

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

Reps. Drovdal, Kempenich, Thoreson and Sens. Bowman, Lyson introduced:

HB 1182: A BILL for an Act to amend and reenact section 38-11.1-05 of the North Dakota Century Code, relating to notice of oil and gas drilling operations.

Was read the first time and referred to the **Natural Resources Committee**.

Reps. Ruby, Bellew, Dietrich, Owens introduced:

HB 1183: A BILL for an Act to amend and reenact subsection 5 of section 39-27-06 of the North Dakota Century Code, relating to motorcycle handlebars.

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

Reps. R. Kelsch, Hanson, Porter and Sens. Cook, Freborg, Heitkamp introduced:

HB 1184: A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to the use of handguns while hunting with bow and arrow.

Was read the first time and referred to the **Natural Resources Committee**.

Reps. Solberg, DeKrey, S. Meyer, Onstad and Sens. Heitkamp, O'Connell introduced:

HB 1185: A BILL for an Act to amend and reenact section 4-10.7-09 of the North Dakota Century Code, relating to the dry pea and lentil assessment.

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

Reps. Aarsvold, Wall and Sens. Heitkamp, Lindaas, Tallackson, Urlacher introduced:

HB 1186: A BILL for an Act to amend and reenact sections 57-20-20, 57-20-21, and 57-23-06 of the North Dakota Century Code, relating to property taxes paid under protest and hearings on applications for abatement; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Aarsvold, Kroeber, Wieland and Sens. Lindaas, Robinson, Wardner introduced:

HB 1187: A BILL for an Act to create and enact a new subsection to section 57-15-06.7 and a new section to chapter 57-15 of the North Dakota Century Code, relating to a county levy for asbestos abatement, demolition, and removal on buildings acquired by tax deed; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Carlisle, Aarsvold and Sens. Dever, Freborg introduced:

HB 1188: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an

individual income tax credit for the purchase of hearing aids; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Carlisle, Weiler introduced:

HB 1189: A BILL for an Act to amend and reenact subsection 3 of section 39-06.2-06 of the North Dakota Century Code, relating to commercial driver's license waivers.

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

Reps. Weiler, Drovdal, S. Kelsh and Sens. Anderson, Tollefson, Urlacher introduced:

HB 1190: A BILL for an Act to amend and reenact sections 57-36-01, 57-36-09, 57-36-25, 57-36-26, 57-36-28, 57-36-29, and 57-36-33 of the North Dakota Century Code, relating to the tobacco products tax; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Aarsvold, Hawken, N. Johnson, R. Kelsch, Kerzman and Sen. Robinson introduced:

HB 1191: A BILL for an Act to create and enact a new section to chapter 23-02.1 of the North Dakota Century Code, relating to a certificate of birth resulting in stillbirth.

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

Reps. Brandenburg, Gulleson, Kretschmar, Weisz and Sens. Erbele, Mathern introduced:

HB 1192: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for volunteer firefighters; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Wrangham, Kerzman, Nottestad and Sens. Cook, Klein, O'Connell introduced:

HB 1193: A BILL for an Act to amend and reenact section 49-02-25 of the North Dakota Century Code, relating to hydroelectricity as a renewable electricity and recycled energy source.

Was read the first time and referred to the **Natural Resources Committee**.

Reps. Klemin, Porter, Wolf and Sens. Kilzer, Klein, O'Connell introduced:

HB 1195: A BILL for an Act to amend and reenact section 20.1-03-35 of the North Dakota Century Code, relating to use of identification numbers on game and fish licenses and permits.

Was read the first time and referred to the **Natural Resources Committee**.

Reps. Klemin, Karls, Vigesaa and Sens. Lyson, Mathern, Tallackson introduced:

HB 1196: A BILL for an Act to create and enact subsection 3 to section 39-06-01.1 and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to cell phone use by minors in motor vehicles; and to amend and reenact section 39-06.1-09 of the North Dakota Century Code, relating to the definition of a moving violation.

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

Reps. Klemin, Carlisle, Monson and Sens. Dever, Kilzer, Lyson introduced:

HB 1197: A BILL for an Act to amend and reenact sections 31-13-03 and 31-13-07 of the North Dakota Century Code, relating to collection and testing of DNA samples for law enforcement identification purposes.

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

Reps. R. Kelsch, Hanson introduced:

HB 1198: A BILL for an Act to amend and reenact section 15.1-12-10.1 of the North Dakota Century Code, relating to school district reorganization criteria.

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

Rep. R. Kelsch introduced:

HB 1199: A BILL for an Act to amend and reenact sections 15.1-31-01 and 15.1-31-07 of the North Dakota Century Code, relating to the open enrollment of students; to repeal section 15.1-31-02 of the North Dakota Century Code, relating to grounds for denial of an open enrollment application; and to declare an emergency.

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

Reps. Porter, Carlisle, Dietrich, Martinson and Sens. Lyson, Tollefson introduced:

HB 1200: A BILL for an Act to create and enact two new subsections to section 20.1-02-05 of the North Dakota Century Code, relating to the power of the director of the game and fish department and a private land open to sportsmen program for youth and a youth hunting grant program; to amend and reenact section 20.1-02-07 and subsection 3 of section 20.1-03-12 of the North Dakota Century Code, relating to a youth program

coordinator position within the game and fish department and big game hunting fees; to provide for a study; and to provide an appropriation.

Was read the first time and referred to the **Natural Resources Committee**.

Reps. Kempenich, S. Meyer and Sen. Urlacher introduced:

HB 1203: A BILL for an Act to provide for matching funds for life insurance for volunteer firefighters.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Kempenich, S. Meyer introduced:

HB 1204: A BILL for an Act to amend and reenact sections 65-01-15 and 65-01-15.1 of the North Dakota Century Code, relating to a workers' compensation presumption of compensability for volunteer firefighters.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Ruby, Dietrich, Owens introduced:

HB 1205: A BILL for an Act to amend and reenact sections 39-27-17 and 39-27-17.1 of the North Dakota Century Code, relating to motorcycle lights.

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

Reps. Ruby, Bellew, DeKrey, Price and Sens. Fiebiger, Nething introduced:

HB 1206: A BILL for an Act to amend and reenact subsection 7 of section 19-03.1-23 of the North Dakota Century Code, relating to drug addiction evaluations.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Froelich, Kempenich, Kerzman, S. Meyer introduced:

HCR 3007: A concurrent resolution urging Congress to require a nationwide referendum of beef producers before allowing an increase in the beef checkoff rate.

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

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

Buell J. Reich, Chief Clerk