

**JOURNAL OF THE HOUSE**

**Sixtieth Legislative Assembly**

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**Bismarck, January 23, 2007**

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

The prayer was offered by Pastor Stephen Wisthoff, First Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Conrad and Zaiser.

A quorum was declared by the Speaker.

**MOTION**

**REP. MONSON MOVED** that HB 1114, which is on the Sixth order, be laid over two legislative days, which motion prevailed.

**SIXTH ORDER OF BUSINESS**

**SPEAKER DELZER DEEMED** approval of the amendments to HB 1064, HB 1109, HB 1157, HB 1172, HB 1184, HB 1205, HB 1282, HB 1300, HB 1302 and HB 1311.

HB 1064, as amended, was rereferred to the **Appropriations Committee**.

HB 1109, HB 1157, HB 1172, HB 1184, HB 1205, HB 1282, HB 1300, HB 1302 and HB 1311, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. MONSON MOVED** that HB 1157, HB 1172, HB 1205, and HB 1311 be moved to today's calendar for citizen's night tonight, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that HB 1088, which is on the Eleventh order, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1088 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1228:** A BILL for an Act to amend and reenact subsection 5 of section 57-01-02.1 of the North Dakota Century Code, relating to retailers providing refund claim forms to purchasers eligible for refunds of city or county sales, use, or gross receipts taxes.

**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 87 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** DeKrey; Keiser; Vigesaa; Weisz

**ABSENT AND NOT VOTING:** Conrad; Williams; Zaiser

HB 1228 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1231:** A BILL for an Act to amend and reenact section 47-05-16 of the North Dakota Century Code, relating to wind energy payments.

**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 74 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Boucher; Ekstrom; Froelich; Glassheim; Griffin; Hanson; Hunskor; Kelsh, S.; Kerzman; Kroeber; Meyer, S.; Mueller; Onstad; Schmidt; Schneider; Skarphol; Solberg; Wolf

**ABSENT AND NOT VOTING:** Conrad; Zaiser

HB 1231 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1255:** A BILL for an Act to amend and reenact subsection 1 of section 16.1-03-01, subsection 3 of section 16.1-03-03, and subsection 1 of section 16.1-03-07 of the North Dakota Century Code, relating to political party organization.

**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 17 YEAS, 75 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boe; Brandenburg; DeKrey; Grande; Hawken; Kaldor; Kretschmar; Kroeber; Nelson; Nottestad; Onstad; Potter; Weisz; Williams; Wolf; Wrangham

**NAYS:** Amerman; Bellew; Belter; Berg; Boehning; Boucher; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Owens; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Speaker Delzer

**ABSENT AND NOT VOTING:** Conrad; Zaiser

HB 1255 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1266:** A BILL for an Act to amend and reenact sections 61-16.1-45 and 61-21-46 of the North Dakota Century Code, relating to maintenance of assessment drains.

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

**YEAS:** Aarsvold; Amerman; Berg; Boe; Boehning; Boucher; Carlisle; Charging; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar;

Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Porter; Potter; Price; Schmidt; Schneider; Sukut; Svedjan; Thorpe; Uglem; Vig; Wald; Wall; Weisz; Wieland; Williams; Wolf; Wrangham

**NAYS:** Bellew; Belter; Brandenburg; Carlson; Froelich; Froseth; Grande; Headland; Meyer, S.; Pollert; Ruby; Skarphol; Solberg; Thoreson; Vigesaa; Weiler; Speaker Delzer

**ABSENT AND NOT VOTING:** Clark; Conrad; Zaiser

HB 1266 passed and the title was agreed to.

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#### MOTION

**REP. MONSON MOVED** that HB 1268, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1304:** A BILL for an Act to amend and reenact section 41-09-96 of the North Dakota Century Code, relating to secured transaction filing fees.

#### 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 75 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Boehning; Boucher; Carlisle; Carlson; Dosch; Drovdal; Meyer, S.; Pollert; Ruby; Schmidt; Schneider; Skarphol; Thoreson; Vigesaa; Weiler; Speaker Delzer

**ABSENT AND NOT VOTING:** Conrad; Zaiser

HB 1304 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1318:** A BILL for an Act to amend and reenact section 54-10-28 of the North Dakota Century Code, relating to information technology responsibilities of the state auditor.

#### 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, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Ekstrom; Gruchalla; Kasper; Kelsh, S.; Meier, L.; Meyer, S.; Myxter; Schneider; Wolf

**ABSENT AND NOT VOTING:** Conrad; Zaiser

HB 1318 passed and the title was agreed to.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3003:** A concurrent resolution proclaiming April 24 as a day of remembrance of the Armenian genocide.

The question being on the final passage of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3003 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF HOUSE BILL**

**HB 1054:** A BILL for an Act to create and enact sections 43-15-38.1 and 43-15-42.3 of the North Dakota Century Code, relating to pharmacy closings and reporting requirements; to amend and reenact sections 43-15-01, 43-15-05, 43-15-10, and 43-15-25.2 of the North Dakota Century Code, relating to the practice of pharmacy; and to provide a penalty.

**ROLL CALL**

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

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; 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; 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; Speaker Delzer

**NAYS:** Bellew

**ABSENT AND NOT VOTING:** Conrad; Zaiser

Engrossed HB 1054 passed and the title was agreed to.

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**MOTION**

**REP. MONSON MOVED** that HB 1224, HB 1202, and HB 1234 be placed at the bottom of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1232:** A BILL for an Act to provide for umbilical cord blood donation.

**ROLL CALL**

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

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; 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; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

**NAYS:** Porter

**ABSENT AND NOT VOTING:** Conrad; Zaiser

Engrossed HB 1232 passed and the title was agreed to.

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**MOTION**

**REP. MONSON MOVED** that the House stand in recess until 7:45 p.m., which motion prevailed.

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

**SECOND READING OF HOUSE BILL**

**HB 1311:** A BILL for an Act to amend and reenact section 20.1-04-15 of the North Dakota Century Code, relating to the age requirement for the youth pheasant hunting season.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Conrad; Zaiser

Engrossed HB 1311 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1236:** A BILL for an Act to amend and reenact section 39-10-59 of the North Dakota Century Code, relating to littering.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Conrad; Zaiser

HB 1236 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1172:** A BILL for an Act to amend and reenact sections 15.1-21-01 and 15.1-21-02 of the North Dakota Century Code, relating to required instruction and North Dakota studies.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Conrad; Zaiser

Engrossed HB 1172 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1438:** A BILL for an Act to create and enact a new subsection to section 15.1-06-04 of the North Dakota Century Code, relating to the commencement of the elementary and secondary school year.

**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 15 YEAS, 77 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Boehning; Carlson; Dietrich; Dosch; Grande; Johnson, N.; Kasper; Keiser; Pinkerton; Price; Sukut; Wald; Wrangham

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

**ABSENT AND NOT VOTING:** Conrad; Zaiser

HB 1438 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1145:** A BILL for an Act to create and enact a new section to chapter 11-15 of the North Dakota Century Code, relating to when the term of the sheriff begins.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 47 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Boe; Boucher; Carlisle; Carlson; Dahl; Delmore; Dietrich; Drovdal; Froelich; Glassheim; Griffin; Gruchalla; Herbel; Hunskor; Kaldor; Karls; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kreidt; Kroeber; Martinson; Metcalf; Meyer, S.; Mueller; Onstad; Pollert; Porter; Potter; Price; Ruby; Schmidt; Solberg; Thoreson; Uglem; Vig; Wald; Wall; Weiler; Wieland; Williams; Wolf; Wrangham

**NAYS:** Amerman; Belter; Berg; Boehning; Brandenburg; Charging; Clark; Damschen; DeKrey; Dosch; Ekstrom; Froseth; Grande; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Kelsch, R.; Kingsbury; Klein;

Klemin; Koppelman; Kretschmar; Meier, L.; Monson; Myxter; Nelson; Nottestad; Owens; Pietsch; Pinkerton; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Vigesaa; Weisz; Speaker Delzer

**ABSENT AND NOT VOTING:** Conrad; Zaiser

Engrossed HB 1145 lost.

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### SECOND READING OF HOUSE BILL

**HB 1289:** A BILL for an Act to amend and reenact section 20.1-08-04.1 of the North Dakota Century Code, relating to a bighorn sheep license raffle or auction.

### ROLL CALL

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

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

**NAYS:** Martinson

**ABSENT AND NOT VOTING:** Conrad; Zaiser

HB 1289 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1157:** A BILL for an Act to amend and reenact sections 11-15-29 and 11-15-31 of the North Dakota Century Code, relating to uniforms for sheriffs and sheriffs' deputies.

### 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 85 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Boehning; Froseth; Pollert; Skarphol; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Conrad; Zaiser

Engrossed HB 1157 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**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.

**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 77 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Amerman; Belter; Boehning; Brandenburg; Carlisle; Carlson; Dahl; Grande; Gruchalla; Kasper; Nelson; Pollert; Skarphol; Weiler

**ABSENT AND NOT VOTING:** Conrad; Froelich; Zaiser

HB 1183 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**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.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Conrad; Zaiser

Engrossed HB 1205 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1224:** A BILL for an Act to amend and reenact subsection 8 of section 19-03.1-23, subsection 3 of section 29-10.2-05, and section 31-13-07 of the North Dakota Century Code, relating to changing expunged records to sealed records.

**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 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleston; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; 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; Speaker Delzer

**NAYS:** Bellew; Damschen; Metcalf; Mueller

**ABSENT AND NOT VOTING:** Conrad; Zaiser

Engrossed HB 1224 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 1201.

**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 1074, HB 1193.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1040.

**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 2159.

**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., Wednesday, January 24, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1022: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (22 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1022 was placed on the Eleventh order on the calendar.

**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** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1127 was placed on the Sixth order on the calendar.

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, 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 1137: 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 1137 was placed on the Sixth order on the calendar.

Page 1, line 10, after "repeal" insert "chapter 21-11 and"

Page 1, line 11, after "to" insert "the natural resources development bond issue," and after "office" insert a comma

Page 8, line 18, replace "Sections" with "Chapter 21-11 and sections"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1291: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1291 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1293: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1293 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two new subsections" with "a new section to chapter 43-17 and a new subsection"

Page 1, line 2, after the first "to" insert "the application of topical fluoride varnish and"

Page 1, after line 4, insert:

**"SECTION 1.** A new section to chapter 43-17 of the North Dakota Century Code is created and enacted as follows:

Topical fluoride varnish. A licensed physician or physician assistant may apply topical fluoride varnish to an individual in accordance with rules adopted by the board."

Page 1, line 5, replace "Two new subsections" with "A new subsection"

Page 1, line 6, replace "are" with "is"

Page 1, line 7, after the first underscored comma insert "advanced practice registered nurse, licensed practical nurse,"

Page 1, line 8, after "is" insert "applying topical fluoride varnish to an individual who is at least six months old and less than ten years old and is" and after "physician" insert "or licensed dentist"

Page 1, line 9, after the first underscored comma insert "advanced practice registered nurse, licensed practical nurse,"

Page 1, remove lines 11 through 14

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1313: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1313 was placed on the Sixth order on the calendar.

Page 6, line 26, remove "limit the dentist's" and remove "of dentistry to practicing"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1350: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1350 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1410: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1410 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3001: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (22 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3001 was placed on the Tenth order on the calendar.

**FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Reps. Delmore, Glassheim, Klein and Sens. Holmberg, Krebsbach, Triplett introduced:

**HCR 3024:** A concurrent resolution in support of the Congressional Delegation's efforts to

maintain and enhance military force structure and missions in this state and support of state and local officials in their efforts to keep this state a first-class place for members of the armed forces to live and work.

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

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

**Buell J. Reich, Chief Clerk**