

## JOURNAL OF THE HOUSE

### Sixtieth Legislative Assembly

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**Bismarck, February 1, 2007**

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

The prayer was offered by Pastor Sammy Allen, Faith Center Church of God of Prophecy, Bismarck.

The roll was called and all members were present except Representatives Grande, Heller, N. Johnson, Pietsch, and Williams.

A quorum was declared by the Speaker.

#### CORRECTION AND REVISION OF THE JOURNAL

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Eighteenth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 263, line 40, after third "the" insert "amended"

Page 263, line 54, insert "Engrossed" before "HB 1126"

**REP. KRETSCHMAR MOVED** that the report be adopted, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

**SPEAKER DELZER DEEMED** approval of the amendments to Engrossed HB 1060, HB 1195, HB 1305, HB 1334, HB 1338, HB 1346, HB 1354, HB 1412, HB 1435, HB 1454, HB 1461 and HB 1514.

HB 1435, as amended, was rereferred to the **Appropriations Committee**.

Engrossed HB 1060, HB 1195, HB 1305, HB 1334, HB 1338, HB 1346, HB 1354, HB 1412, HB 1454, HB 1461 and HB 1514, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

**REP. MONSON MOVED** that Engrossed HB 1454 and Engrossed HB 1505, which are on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, Engrossed HB 1454 and Engrossed HB 1505 were rereferred.

#### SECOND READING OF HOUSE BILL

**HB 1179:** A BILL for an Act to amend and reenact section 54-52.1-03.1 of the North Dakota Century Code, relating to participation in the uniform group insurance program.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Herbel; Hofstad; Hunskor; Johnson, D.; 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; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Grande; Heller; Johnson, N.; Pietsch; Williams

HB 1179 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

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

#### 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 27 YEAS, 61 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brandenburg; Charging; Conrad; Drovdal; Ekstrom; Froelich; Glassheim; Griffin; Gulleon; Hunskor; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kretschmar; Meyer, S.; Myxter; Onstad; Pinkerton; Porter; Schmidt; Schneider; Solberg; Vig; Wolf

**NAYS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Carlisle; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Froseth; Gruchalla; Haas; Hanson; Hatlestad; Hawken; Headland; Herbel; Hofstad; Johnson, D.; Kaldor; Karls; Kasper; Keiser; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson; Nottestad; Owens; Pollert; Potter; Price; Ruby; Skarphol; Sukut; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Grande; Heller; Johnson, N.; Pietsch; Svedjan; Williams

HB 1203 lost.

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### SECOND READING OF HOUSE BILL

**HB 1209:** A BILL for an Act to create and enact a new section to chapter 43-28 of the North Dakota Century Code, relating to billing practices of dentists.

#### 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, 88 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Onstad

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

**ABSENT AND NOT VOTING:** Grande; Heller; Johnson, N.; Pietsch; Williams

HB 1209 lost.

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### SECOND READING OF HOUSE BILL

**HB 1214:** A BILL for an Act to amend and reenact section 29-32.1-01 of the North Dakota Century Code, relating to limitations on applications for postconviction relief.

#### 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 3 YEAS, 86 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Dahl; DeKrey; Owens

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Herbel; Hofstad; Hunskor; Johnson, D.; 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; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Grande; Heller; Johnson, N.; Pietsch; Williams

HB 1214 lost.

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### SECOND READING OF HOUSE BILL

**HB 1229:** A BILL for an Act to amend and reenact section 38-08-05 of the North Dakota Century Code, relating to oil and gas well location restrictions.

### 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 83 YEAS, 6 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Herbel; Hofstad; Hunskor; Johnson, D.; 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; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Boe; Carlson; Keiser; Solberg; Wald; Wieland

**ABSENT AND NOT VOTING:** Grande; Heller; Johnson, N.; Pietsch; Williams

Engrossed HB 1229 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1251:** A BILL for an Act relating to the sale of noncompliant tobacco products; to repeal section 57-36-05.2 of the North Dakota Century Code, relating to the sale of noncompliant tobacco products; to provide a penalty; and to provide for application.

### 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 9 YEAS, 80 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Brandenburg; Carlson; Headland; Kasper; Skarphol; Thoreson

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

**ABSENT AND NOT VOTING:** Grande; Heller; Johnson, N.; Pietsch; Williams

HB 1251 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1256:** A BILL for an Act to create and enact chapter 43-15.2 of the North Dakota Century Code, relating to the creation of a legend prescription drug and device donation and repository program; and to provide an appropriation.

**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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Gullerson; Haas; Hanson; Hatlestad; Hawken; Headland; Herbel; Hofstad; Hunskor; Johnson, D.; 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; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Grande; Heller; Johnson, N.; Pietsch; Williams

Engrossed HB 1256 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1265:** A BILL for an Act to create and enact a new section to chapter 61-21 of the North Dakota Century Code, relating to culverts for assessment drains.

**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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Gullerson; Haas; Hanson; Hatlestad; Hawken; Headland; Herbel; Hofstad; Hunskor; Johnson, D.; 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; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Grande; Heller; Johnson, N.; Pietsch; Williams

Engrossed HB 1265 passed and the title was agreed to.

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**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SCR 4012.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SCR 4012.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SCR 4012.

**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 1099.

**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 1048, HB 1086, HB 1119, HB 1135, HB 1154, HB 1156, HB 1174, HB 1177.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2023, SB 2101, SB 2300.

**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 2041, SB 2137, SB 2146, SB 2177, SB 2193, SB 2201, SB 2210, SB 2214, SB 2219, SB 2230, SB 2233, SB 2234, SB 2236, SB 2248, SB 2259, SB 2262, SB 2264, SB 2296.

**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 12:00 p.m., Friday, February 2, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1080: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1080 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1138: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1138 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1141: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1141 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "two" with "one" and remove "fifty"

Page 1, line 13, after "resale" insert "or provides a service for which the service activity is performed in this state"

Page 1, line 14, after "office" insert "and a majority of the small business's employees located"

Page 1, line 16, replace the second "or" with "and", replace "two" with "one", and remove "five"

Page 1, line 17, remove "hundred thousand", replace "revenue" with "sales", and after the underscored semicolon insert "and"

Page 1, remove line 18

Page 1, line 19, replace "(5)" with "(4)"

Page 1, line 22, replace "two" with "one" and remove "fifty"

Page 2, line 2, after "resale" insert "or provides a service for which the service activity is performed in this state"

Page 2, line 3, after "office" insert "and a majority of the small business's employees located"

Page 2, line 5, replace the second "or" with "and", replace "two" with "one", and remove "five"

Page 2, line 6, remove "hundred thousand", replace "revenue" with "sales", and after the underscored semicolon insert "and"

Page 2, remove line 7

Page 2, line 8, replace "(5)" with "(4)"

Page 2, line 11, replace "two" with "one" and remove "fifty"

Page 2, line 15, after "resale" insert "or provide a service for which the service activity is performed in this state"

Page 2, line 16, after "office" insert "and a majority of the small business's employees located"

Page 2, line 18, replace the second "or" with "and", replace "two" with "one", and remove "five"

Page 2, line 19, remove "hundred thousand", replace "revenue" with "sales", and after the underscored semicolon insert "and"

Page 2, remove line 20

Page 2, line 21, replace "(5)" with "(4)"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1190: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1190 was placed on the Sixth order on the calendar.

Page 1, line 15, remove the overstrike over "~~other~~", remove "chewing", and remove the overstrike over "products"

Page 1, line 18, remove the overstrike over "~~other~~"

Page 1, line 19, remove "chewing" and remove the overstrike over "products"

Page 1, line 21, remove the overstrike over "~~other~~"

Page 1, line 22, remove "chewing" and remove the overstrike over "products"

Page 1, line 23, remove the overstrike over "~~other~~", remove "chewing", and remove the overstrike over "products"

Page 2, line 4, remove the overstrike over "~~Other tobacco products means~~", after the second "~~tobacco~~" insert "any product except cigarettes and roll-your-own tobacco, including cigars, snuff, cigarette papers or rolling tubes, hookah pipe tobacco, blunt wraps, or any product that is made up or composed of tobacco, in whole or in part", and remove the overstrike over the overstruck period

Page 2, line 5, remove the overstrike over "~~40.~~"

Page 2, line 7, remove the overstrike over "~~44.~~" and remove "10."

Page 2, line 10, remove the overstrike over "~~42.~~" and remove "11."

Page 2, line 11, remove the overstrike over "~~43.~~" and remove "12."

Page 2, line 13, remove the overstrike over "~~44.~~" and remove "13."

Page 2, line 14, remove the overstrike over "~~other~~", remove "chewing", and remove the overstrike over "products"

Page 2, line 15, remove the overstrike over "~~45.~~" and remove "14."

Page 2, line 16, remove the overstrike over "~~other~~" and remove "chewing"

Page 2, line 17, remove the overstrike over "products"

Page 2, line 22, remove the overstrike over "~~other~~", remove "chewing", and remove the overstrike over "products"

Page 2, line 25, remove the overstrike over "~~other~~", remove "chewing", and remove the overstrike over "products"

Page 2, line 26, remove the overstrike over "~~other~~"

- Page 2, line 27, remove "chewing" and remove the overstrike over "~~products~~"
- Page 3, line 3, remove the overstrike over "~~other~~", remove "chewing", and remove the overstrike over "~~products~~"
- Page 3, line 10, remove the overstrike over "~~other~~", remove "chewing", and remove the overstrike over "~~products~~"
- Page 3, line 27, remove "and" and after "tobacco" insert ", and other tobacco products"
- Page 3, line 31, replace "chewing" with "other" and after "tobacco" insert "products"
- Page 4, line 2, replace "chewing" with "other" and after "tobacco" insert "products"
- Page 4, line 4, replace "chewing" with "other" and after "tobacco" insert "products"
- Page 5, line 9, replace "chewing" with "other" and after "tobacco" insert "products"
- Page 5, line 16, replace "chewing" with "other" and after "tobacco" insert "products"
- Page 5, line 29, remove the overstrike over "~~other~~", remove "chewing", and remove the overstrike over "~~products~~"
- Page 6, line 6, remove the overstrike over "~~other~~", remove "chewing", and remove the overstrike over "~~products~~"
- Page 6, line 24, remove the overstrike over "~~other~~", remove "chewing", and remove the overstrike over "~~products~~"
- Page 6, line 28, remove the overstrike over "~~other~~" and remove "chewing"
- Page 6, line 29, remove the overstrike over "~~products~~"
- Page 7, line 1, remove the overstrike over "~~other~~", remove "chewing", and remove the overstrike over "~~products~~"
- Page 7, line 27, remove the overstrike over "~~other~~"
- Page 7, line 28, remove "chewing" and remove the overstrike over "~~products~~"
- Page 8, line 5, remove the overstrike over "~~other~~" and remove "chewing"
- Page 8, line 6, remove the overstrike over "~~products~~"
- ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1204: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1204 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1222: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1222 was placed on the Sixth order on the calendar.

- Page 1, line 6, remove the overstrike over "~~For all policies providing hospital, surgical,~~"
- Page 1, line 7, remove the overstrike over "~~medical, or major medical benefit, an~~" and remove "An"
- Page 1, line 8, remove "accident or"
- Page 1, line 9, remove "other"
- Page 1, line 10, remove the overstrike over "~~benefits to group policyholders~~"
- Page 1, line 15, remove the overstrike over "~~This section does not~~"

Page 1, remove the overstrike over lines 16 through 18

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1242: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1242 was placed on the Sixth order on the calendar.

Page 1, line 2, after "assessment" insert "or by other means"

Page 1, line 14, after "assessment" insert "or by other means"

Page 1, line 16, after "assessments" insert "or with similar improvements"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1263: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1263 was placed on the Sixth order on the calendar.

Page 1, line 7, remove the overstrike over "~~Ne~~" and remove "For raffles with a local permit, no"

Page 1, line 8, remove the overstrike over "~~However,~~"

Page 1, line 9, remove the overstrike over "~~on not more than~~", after "occasion" insert "two occasions", remove the overstrike over "~~per year a~~", and remove "A"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1292: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1292 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1320: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1320 was placed on the Sixth order on the calendar.

Page 2, line 14, after the underscored period insert "To receive the grant moneys, a board shall provide a ten percent local match."

Page 2, remove line 30

Page 2, line 31, replace the third underscored period with "; and

8. Provide a ten percent local match of the grant moneys."

Page 3, line 7, after the period insert "The grant payment may be distributed to a local school board only if the board has provided ten percent of the moneys from a local match."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1339: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1339 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1348: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1348 was placed on the Sixth order on the calendar.



In lieu of the proposed amendments as printed on page 233 of the House Journal, House Bill No. 1348 is amended as follows:

Page 1, line 6, replace the underscored comma with "is imposed on all sales of propane and a tax of"

Page 1, line 7, remove "but not exceeding", remove the underscored comma, and after "of" insert "diesel fuel and other"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1358: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1358 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "12.1-31-03.1,"

Page 1, line 3, after the first "to" insert "limitation of sales of cigarettes or other tobacco products through vending machines and" and replace "section" with "sections 12.1-31-03 and"

Page 1, line 4, after the first "to" insert "sales to and use by minors of tobacco products and" and after the semicolon insert "to provide a penalty;"

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Section 12.1-31-03 of the North Dakota Century Code is amended and reenacted as follows:

#### **12.1-31-03. Sale of tobacco to minors and use by minors prohibited.**

1. It is an infraction for any person to sell or furnish to a minor, or procure for a minor, cigarettes, cigarette papers, cigars, snuff, or tobacco in any other form in which it may be utilized for smoking or chewing. As used in this subsection, "sell" includes dispensing from a vending machine under the control of the actor.
2. It is a noncriminal offense for a minor to purchase, possess, smoke, or use cigarettes, cigars, cigarette papers, snuff, or tobacco in any other form in which it may be utilized for smoking or chewing. However, an individual under eighteen years of age may purchase and possess tobacco as part of a compliance survey program when acting with the permission of the individual's parent or guardian and while acting under the supervision of any law enforcement authority. A state agency, city, county, board of health, tobacco retailer, or association of tobacco retailers may also conduct compliance surveys, after coordination with the appropriate local law enforcement authority.
3. It is a noncriminal offense for a minor to present or offer to another individual a purported proof of age which is false, fraudulent, or not actually the minor's own proof of age, for the purpose of attempting to purchase or possess cigarettes, cigars, cigarette papers, snuff, or tobacco in any other form in which it may be utilized for smoking or chewing.
4. A city or county may adopt an ordinance or resolution regarding the sale of tobacco to minors and use of tobacco by minors which includes prohibitions in addition to those in subsection 1, 2, or 3. Any ordinance or resolution adopted must include provisions deeming a violation of subsection 2 or 3 a noncriminal violation and must provide for a fee of not less than twenty-five dollars for a minor fourteen years of age or older who has been charged with an offense under subsection 2 or 3. The failure to post a required bond or pay an assessed fee by an individual found to have violated the ordinance or resolution is punishable as a contempt of court, except a minor may not be imprisoned for the contempt.
4. 5. A minor fourteen years of age or older found to have violated subsection 2 or 3 must pay a fee of twenty-five dollars.

- a. Any individual who has been cited for a violation of subsection 2 or 3 may appear before a court of competent jurisdiction and pay the fee by the time scheduled for a hearing, or if bond has been posted, may forfeit the bond by not appearing at the scheduled time. An individual appearing at the time scheduled in the citation may make a statement in explanation of that individual's action and the judge may waive, reduce, or suspend the fee or bond, or both. If the individual cited follows the procedures of this subdivision, that individual has admitted the violation and has waived the right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the court must be identical to the fee. This subdivision does not allow a citing officer to receive the fee or bond.
  - b. If an individual cited for a violation of subsection 2 or 3 does not choose to follow the procedures provided under subdivision a, that individual may request a hearing on the issue of the commission of the violation cited. The hearing must be held at the time scheduled in the citation or at some future time, not to exceed ninety days later, set at that first appearance. At the time of a request for a hearing on the issue on commission of the violation, the individual cited shall deposit with the court an appearance bond equal to the fee for the violation cited.
  - c. The failure to post bond or to pay an assessed fee is punishable as a contempt of court, except a minor may not be imprisoned for the contempt.
- ~~5.~~ 6. The prosecution must prove the commission of a cited violation under subsection 2 or 3 by a preponderance of the evidence.
  - ~~6.~~ 7. A law enforcement officer that cites a minor for violation of this section shall mail a notice of the violation to the parent or legal guardian of the minor within ten days of the citation.
  - ~~7.~~ 8. A person adjudged guilty of contempt for failure to pay a fee or fine may be sentenced by the court to a sanction or order designed to ensure compliance with the payment of the fee or fine or to an alternative sentence or sanction including community service.

**SECTION 2.** Section 12.1-31-03.1 of the North Dakota Century Code is created and enacted as follows:

12.1-31-03.1. Vending machines prohibited - Penalty.

1. It is an infraction for any person to sell or furnish cigarettes, cigarette papers, cigars, snuff, or tobacco in any other form in which it may be utilized for smoking or chewing through a vending machine, except as provided in subsection 2.
2. Subsection 1 does not apply to:
  - a. A vending machine that is located in an area in which minors are not permitted access; or
  - b. A vending machine that dispenses cigarettes, cigarette papers, cigars, snuff, or tobacco in any other form in which it may be utilized for smoking or chewing through the operation of a device that requires a salesperson to control the dispensation of such product.
3. It is an infraction for any person to sell or furnish cigarettes, cigarette papers, cigars, snuff, or tobacco in any other form in which it may be utilized for smoking or chewing through any vending machine, if those products are placed together with any nontobacco product, other than matches, in the vending machine."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1369: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS**

(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1369 was placed on the Sixth order on the calendar.

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

Page 1, line 11, after the first comma insert "bona fide financial institution trade associations and their affiliates."

Page 1, line 19, replace "banking" with "bank, holding company, trade association, or affiliate authorized under this section or is conducting a business subject to the jurisdiction of the department. In granting an exemption under this section the commissioner may restrict or condition the exemption and use of the name or word or the activities of an exempt person as the commissioner considers appropriate to protect the public interest."

Page 1, remove line 20

Page 2, line 3, after the second comma insert "bona fide banking institution trade associations and their affiliates."

Page 3, line 1, replace "banking institution or is conducting a business subject to the" with "trust company, banking institution trade association, or affiliate authorized under this section or is conducting a business subject to the jurisdiction of the department. In granting an exemption under this section the commissioner may restrict or condition the exemption and use of the name or word or the activities of an exempt person as the commissioner considers appropriate to protect the public interest."

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

Page 3, remove line 2

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1370: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1370 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "\$5,000,000" with "\$1,000,000"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1396: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1396 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1409: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1409 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1416: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1416 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "1.", overstrike "It" and insert immediately thereafter "If the father, mother, or child of an individual who is unable to support oneself has received a disqualifying transfer of property from that individual, it is the duty of that father, mother, or child to maintain that individual to the extent of the ability of each and then it", after the second "the" insert "individual's", overstrike the third "the", overstrike "and every" and insert immediately thereafter "or", overstrike "of any", remove "individual", and overstrike "who"

Page 1, line 8, overstrike "is unable to support oneself," and insert immediately thereafter "who did not receive a disqualifying transfer of property"

Page 1, remove lines 12 through 17

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1417: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1417 was placed on the Sixth order on the calendar.

Page 5, line 6, remove "and"

Page 5, line 7, after "8." insert "Any person or entity for use in setting or adjusting a rate, adjusting a claim, or underwriting for insurance purposes. This exemption does not determine or affect whether these uses are permitted under other law; and

9."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1419: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1419 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1434: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1434 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "and", replace "a study" with "surveillance", and after "council" insert "; and to provide an appropriation"

Page 1, line 22, replace "a study" with "surveillance"

Page 1, line 24, replace "study" with "surveillance"

Page 2, after line 2, insert:

**"SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$301,403, or so much of the sum as may be necessary, to the state department of health for the purpose of establishing a viral hepatitis program under section 1 of this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009. The state department of health is authorized one full-time equivalent position for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1441: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1441 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1452: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1452 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "distressed" with "disabled"

Page 1, line 6, after the first underscored comma insert "or the", replace "cruelty" with "abuse", and replace "or animals, or similar" with "and vulnerable adults"

Page 1, line 7, remove "condition of public concern"

Page 1, line 14, remove "The"

Page 1, remove line 15

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1478: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1478 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "of" with "or"

Page 1, line 11, after "accredited" insert "or approved"

Page 1, line 12, replace "kindergarten" with "one" and remove "grade"

Page 1, line 13, remove "or payment of tuition for one or more students attending the"

Page 1, line 14, remove "school" and replace "one thousand" with "five hundred"

Page 1, line 15, replace "five" with "two" and after "hundred" insert "fifty"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1500: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1500 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1518: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (8 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HB 1518 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1519: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1519 was placed on the Eleventh order on the calendar.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Weiler, Boehning, Kasper, Skarphol, Thoreson and Sen. Stenehjem introduced:

**HCR 3045:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to establishment and use of a permanent oil tax trust fund; and to provide an effective date.

Was read the first time and referred to the **Constitutional Revision Committee**.

#### FIRST READING OF SENATE BILLS

**SB 2014:** A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

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

**SB 2029:** A BILL for an Act to create and enact a new chapter to title 12 of the North Dakota Century Code, relating to electronic home detention and global positioning system monitoring for certain offenders; and to amend and reenact subdivision b of subsection 3 of section 12.1-08-06 of the North Dakota Century Code, relating to the definition of official detention.

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

**SB 2038:** A BILL for an Act to create and enact a new subsection to section 54-35-15.2 of the North Dakota Century Code, relating to powers and duties of the information technology committee; and to amend and reenact sections 54-59-02.1, 54-59-07, and 54-59-09 of the North Dakota Century Code, relating to major information technology projects, the state information technology advisory committee, and information technology standards.

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

**SB 2047:** A BILL for an Act to amend and reenact sections 54-52.2-01, 54-52.2-02, and 54-52.2-05 of the North Dakota Century Code, relating to automatic enrollment of employees in the deferred compensation program under the public employees retirement system.

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

**SB 2051:** A BILL for an Act to amend and reenact sections 39-03.1-10, 39-03.1-11.3, 54-52-06, and 24-52-17.5 and subsection 2 of section 54-52.6-09 of the North Dakota Century Code, relating to employer contributions and increases to certain retirees' retirement payments under the public employees retirement system; and to provide an effective date.

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

**SB 2064:** A BILL for an Act to create and enact a new subsection to section 14-09-06.6 of the North Dakota Century Code, relating to the modification of custody of a child with a service member parent.

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

**SB 2134:** A BILL for an Act to create and enact chapter 19-03.5 of the North Dakota Century Code, relating to a prescription drug monitoring program for controlled substances; to repeal section 50-06-27 of the North Dakota Century Code, relating to a prescription drug monitoring program; to provide a penalty; and to declare an emergency.

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

**SB 2185:** A BILL for an Act to amend and reenact subsection 29 of section 12.1-01-04 of the North Dakota Century Code, relating to the definition of serious bodily injury.

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

**SB 2257:** A BILL for an Act to amend and reenact section 65-02-03.1 of the North Dakota Century Code, relating to membership of the workforce safety and insurance board; and to provide for application.

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

**SB 2265:** A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to records of victims of domestic violence; and to amend and reenact subsection 4 of section 28-32-08, subsection 2 of section 28-32-10, subsection 5 of section 28-32-19, section 28-32-33, subsections 2, 6, and 8 of section 44-04-18, subsections 1 and 6 of section 44-04-18.7, subsection 4 of section 44-04-18.10, section 44-04-18.13, subsection 2 of section 44-04-28, and section 57-40.6-07 of the North Dakota Century Code, relating to fees and discovery in adjudicative proceedings, fees for copies, providing copies of records, personal records in criminal files, release of confidential records, lists of minors, release of social security numbers, and release of 911 records.

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

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

**Buell J. Reich, Chief Clerk**