

## JOURNAL OF THE HOUSE

## Sixtieth Legislative Assembly

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Bismarck, March 22, 2007

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

The prayer was offered by Pastor Nathan Keith with Trinity Lutheran Church, Bismarck.

The roll was called and all members were present except Representative Hofstad.

A quorum was declared by the Speaker.

## REPORT OF STANDING COMMITTEE

**SB 2030, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2030 was placed on the Sixth order on the calendar.**

Page 1, line 1, after "15.1-09.1" insert "and a new section to chapter 15.1-13"

Page 1, line 2, replace "area service providers" with "regional education associations and teacher licensure requirements"

Page 1, line 6, replace "educational" with "regional education", after "agreements" insert "; to provide for legislative council studies", and remove "and"

Page 1, line 7, after "council" insert "; and to declare an emergency"

Page 1, line 13, replace "area service providers" with "regional education associations"

Page 1, line 15, replace "area service providers" with "regional education associations"

Page 4, line 7, replace "area service provider" with "regional education association"

Page 4, line 11, replace "**Area service provider**" with "**Regional education association**"

Page 4, line 13, replace "an area service provider" with "a regional education association"

Page 5, line 1, replace "area service providers" with "regional education associations"

Page 5, line 2, replace "area service providers from providing" with "regional education associations to provide"

Page 5, line 9, replace "an area service provider" with "a regional education association"

Page 5, line 12, replace "an area service provider" with "a regional education association"

Page 5, line 15, replace "an area service provider" with "a regional education association"

Page 6, line 19, replace "an area service provider" with "a regional education association"

Page 7, line 11, replace "area service provider" with "regional education association"

Page 7, line 13, replace "area service provider" with "regional education association"

Page 7, line 16, replace "**Area service providers**" with "**Regional education association**"

Page 7, line 17, replace "An area service provider" with "A regional education association"

Page 7, line 20, replace "**Area service providers**" with "**Regional education association**"

Page 7, line 21, replace "An area service provider" with "A regional education association"

Page 7, line 28, replace "**Area service providers**" with "**Regional education associations**"

Page 7, line 29, replace "An area service provider" with "A regional education association"

Page 8, line 1, replace "an area" with "a regional education association"

Page 8, line 2, remove "service provider"

Page 8, line 3, replace "provider's" with "association's"

Page 8, line 5, replace "**Area service provider**" with "**Regional education association**"

Page 8, line 6, replace "an area service provider" with "a regional education association"

Page 8, line 8, replace "provider" with "association"

Page 8, line 10, replace "area service" with "regional education association"

Page 8, line 11, remove "provider" and replace "provider's" with "association's"

Page 8, line 13, replace "an area service provider" with "a regional education association"

Page 8, line 18, replace "**area service provider**" with "**a regional education association**"

Page 8, line 21, replace "an area service provider" with "a regional education association" and replace "area service provider of" with "association in"

Page 8, line 22, replace "is a member" with "participates"

Page 8, line 27, replace "an area service provider" with "a regional education association"

Page 8, after line 29, insert:

**"SECTION 5.** A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

**Student teaching requirements - Teachers licensed in other states.** If an individual who is or was licensed to teach in another state applies for a license to teach in this state, the education standards and practices board may not impose on the individual any student teaching requirements as a condition of licensure. This section is applicable to an individual who graduated from a state-approved regular education program but not to an individual who completed an alternative education program as a condition of licensure."

Page 9, line 4, replace "an area service provider" with "a regional education association"

Page 9, after line 18, insert:

**"SECTION 8. LEGISLATIVE COUNCIL STUDY - HIGH SCHOOL CURRICULA.** The legislative council shall consider studying, during the 2007-08 interim, the appropriateness and adequacy of high school curricula, with respect to preparing students for higher education and for the workplace. The study should examine curricular changes implemented in other states and expectations placed on students in other countries. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 9. LEGISLATIVE COUNCIL STUDY - SERVICES TO ENGLISH LANGUAGE LEARNERS.** The legislative council shall consider studying, during the 2007-08 interim, the delivery of services to English language learners, including federal requirements, instructional options, assistance from the private sector, and the short-term and long-term budgetary impacts on the school districts and taxpayers of the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 10. LEGISLATIVE COUNCIL STUDY - REAUTHORIZATION OF THE NO CHILD LEFT BEHIND ACT.** The legislative council shall consider studying, during the 2007-08 interim, the reauthorization of the No Child Left Behind Act, including the effect of proposed changes on the students, teachers, and school districts of this state, the manner in which state assessments are conducted, the reporting and utilization of assessment results, and the performance of North Dakota students. The

legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 11. LEGISLATIVE COUNCIL STUDY - AFTERSCHOOL PROGRAMS.** The legislative council shall consider studying, during the 2007-08 interim, federally funded afterschool programs being offered to North Dakota students, including the content of the programs, applicable regulations, targeted students, and the direct and indirect costs and benefits of the programs. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

**SECTION 12. P-16 EDUCATION TASK FORCE - CONTINUATION OF STUDY - REPORTS TO LEGISLATIVE COUNCIL.** The P-16 education task force, as created during the 2005-06 interim through the joint efforts of the state board of public school education, the state board of higher education, the education standards and practices board, and the state board for career and technical education shall continue its study of the relationship between providers of elementary and secondary education and providers of higher education, the relationship between all education providers and employers, and the commonalities between educational success, employment opportunities, worker advancement, and local, regional, and statewide economic growth and development. The task force shall develop practical short-term and long-term recommendations that will result in seamless transitions from school to work and ultimately enable North Dakota students to compete efficiently and effectively in a global environment. The task force shall present its recommendations, together with periodic updates regarding its efforts, to the North Dakota commission on education improvement and the North Dakota legislative council."

Page 9, line 19, replace "**AREA SERVICE PROVIDERS**" with "**REGIONAL EDUCATION ASSOCIATIONS**"

Page 9, line 20, remove "**GOVERNED BY JOINT POWERS AGREEMENTS**"

Page 9, line 22, replace "area service provider" with "regional education association"

Page 9, line 24, replace "area service provider" with "regional education association"

Page 9, line 25, replace "area service providers" with "regional education associations"

Page 9, after line 29, insert:

**"SECTION 14. LEGISLATIVE COUNCIL STUDY - REGIONAL EDUCATION ASSOCIATIONS.** The legislative council shall study, during the 2007-08 interim, the short-term and long-term evolution of regional education associations and shall include the feasibility and desirability of regional education associations becoming political subdivisions; whether teachers should be employed directly by regional education associations, and whether that employment should include bargaining rights, contract renewal and nonrenewal provisions, participation in the teachers' fund for retirement, and participation in the state's uniform group insurance program; the impact that allowing regional education associations to hire teachers directly would have on the recruitment and retention of teachers currently employed by school districts and on teacher salary levels; whether teacher employment contracts, if offered by regional education associations, would have to parallel those of participating school districts with respect to common school calendars, annual or personal leave provisions, and other contractual benefits; the conduct of evaluations, if teachers are employed directly by regional education associations, including who will conduct the evaluations, their frequency, and the criteria upon which the evaluations are based; the organizational structure of regional education associations, including the qualifications of administrative or supervisory personnel; the governance structure of regional education associations; and state level oversight. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Page 9, after line 31, insert:

**"SECTION 16. EMERGENCY.** This Act is declared to be an emergency measure."

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2163, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2163 was placed on the Sixth order on the calendar.

Page 4, line 1, replace "a record created under section 23-06.6-07" with "an intention not to make an anatomical gift of an individual's body or part expressed by the individual in accordance with section 23-06.6-06 or"

Page 19, line 1, after the underscored period insert "The procurement organization shall provide the coroner or medical examiner with all information the organization has which could relate to the cause or manner of the decedent's death."

Page 19, line 6, after "organ" insert "for transplantation"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2181: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2181 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "certain health" with "prenatal care and other pregnancy"

Page 1, line 6, replace "**certain health**" with "**prenatal care and other pregnancy**"

Page 1, line 7, replace "medical, mental, and" with "pregnancy testing, two prenatal visits, and pain management related to pregnancy"

Page 1, remove line 8

Page 1, line 9, remove "conditions associated with pregnancy"

Page 1, line 12, replace "to determine the presence of or to treat" with "pursuant to subsection 1, the physician or other health care professional shall encourage the minor"

Page 1, remove line 13

Page 1, line 14, remove "encouraged"

Page 1, line 16, replace "its" with "their"

Page 1, line 19, replace "health" with "pregnancy" and replace "may" with "shall"

Page 1, line 20, replace the first "health" with "pregnancy"

Page 2, line 2, after "minor" insert "or her unborn child"

Page 2, line 3, replace "Major surgery" with "Surgery" and remove "prolonged"

Page 2, line 4, replace "minor's physical and" with "health of the minor or her unborn child."

Page 2, remove line 5

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2186, as reengrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2186 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "50-11.1" with "50-09"

Page 1, line 2, replace "workforce development and department of" with "transition assistance for child care"

Page 1, remove line 3

Page 1, line 4, remove "facilities and program and business technical assistance for early childhood care providers"

Page 1, replace lines 7 through 24 with:

**"SECTION 1.** A new section to chapter 50-09 of the North Dakota Century Code is created and enacted as follows:

**Transition assistance for child care.** The state agency shall establish a program of transition assistance to pay a portion of the cost of child care for families that lose eligibility, and remain ineligible, for benefits under section 50-09-29 due to earnings from employment. This program must:

1. Provide benefits for up to the six months following the loss of benefits under section 50-09-29;
2. Be paid directly to recipients using a debit card; and
3. Meet all requirements to be considered "assistance" for purposes of title 45, Code of Federal Regulations, part 260, section 31, or any substantially similar federal regulation that may replace title 45, Code of Federal Regulations, part 260, section 31."

Page 2, remove lines 1 through 12

Page 2, line 13, replace "in the" with "from special funds derived from federal funds and other income from temporary assistance for needy families program"

Page 2, line 14, remove "general fund in the state treasury, not otherwise appropriated" and replace "\$1,900,000" with "\$2,897,370"

Page 2, after line 17, 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 \$166,221, or so much of the sum as may be necessary, to the department of human services for the purpose of replacing the reduction in child care development fund grants, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2352, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2352 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "provide for" with "create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to" and after "tattooing" insert ", branding, subdermal implantation, scarifying,"

Page 1, replace lines 4 through 9 with:

**"SECTION 1.** A new section to chapter 12.1-31 of the North Dakota Century Code is created and enacted as follows:

**Tattooing, branding, subdermal implants, scarifying, and body piercing - Minors.**

1. As used in this section:
  - a. "Brand" means the use of heat, cold, or any chemical compound to imprint permanent markings on an individual's skin.
  - b. "Pierce" means the puncture of any part of an individual's body to insert studs, pins, rings, chains, or other jewelry or adornment.

- c. "Scarify" means to cut, tear, or abrade an individual's skin for the purpose of creating permanent mark or design on the skin.
- d. "Subdermal implant" means to insert a foreign object beneath the skin to decorate an individual's body. The term does not include implantations for medical purposes.
- e. "Tattoo" means to mark the skin of an individual by insertion of permanent colors through puncture of the skin."

Page 1, line 10, after "tattoo" insert ", brand, subdermal implant, scarify."

Page 1, line 11, after "tattooing" insert ", branding, subdermal implanting, scarifying."

Page 1, line 15, after the second underscored comma insert "branding, self-branding, scarifying, self-scarifying, subdermal implantation, self-subdermal implantation,"

Page 1, line 17, after "tattooing" insert ", branding, subdermal implantation, scarifying."

Page 1, line 18, after "tattooing" insert ", branding, subdermal implantation, scarifying."

Renumber accordingly

#### SIXTH ORDER OF BUSINESS

**SPEAKER DELZER DEEMED** approval of the amendments to Engrossed SB 2030, Engrossed SB 2163, SB 2181, Reengrossed SB 2186, and Engrossed SB 2352.

Reengrossed SB 2186, as amended, was rereferred to the **Appropriations Committee**.

Engrossed SB 2030, Engrossed SB 2163, SB 2181, and Engrossed SB 2352, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MOTION

**REP. MONSON MOVED** the passage of all the resolutions on the Consent Calendar, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

**SCR 4005:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a transition to independence program for young adults with mental illness.

**SCR 4006:** A concurrent resolution urging Congress to require the United States Department of Veterans' Affairs assume all health care and pharmaceutical needs of veterans in state veterans homes.

**SCR 4008:** A concurrent resolution directing the Legislative Council to study issues affecting the delivery of child welfare services in the state, including out-of-home placement determinations; emphasis on family counseling, including in-home counseling; staffing patterns in county social services offices; supervision standards for child welfare staff; funding from private, state, and federal sources; and the viability of joint powers agreements among counties and the nature of public and private partnerships in support of effective child welfare services.

**SCR 4017:** A concurrent resolution expressing support for the continued statewide efforts to prevent the initiation of smoking among minors and to promote quitting among minors and adults and expressing concern about employers that allow their teenage employees to take smoking breaks, a practice that encourages the initiation of tobacco use, does not encourage or create incentives for minors to quit smoking, reduces productivity and the amount of time spent on assigned work-related duties, and creates hostility between smoking and nonsmoking employees.

**SCR 4018:** A concurrent resolution expressing support for long-term care choices, including home and community-based services, for North Dakotans with disabilities and older adults.

**SCR 4019:** A concurrent resolution urging Congress to reauthorize the state children's health insurance program.

**SCR 4025:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of developing and funding a program to provide services to youth in foster care who are preparing to transition to adulthood and for youth between 18 and 21 years of age who have left foster care and need assistance.

**SCR 4028:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a paternity registry.

**SCR 4029:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of transferring some of the facilities and property of the State Hospital from the Department of Human Services to the Department of Corrections and Rehabilitation.

The question being on the final adoption of the resolutions, which have been read.

SCR 4005, SCR 4006, Engrossed SCR 4008, Engrossed SCR 4017, SCR 4018, SCR 4019, SCR 4025, SCR 4028, and Engrossed SCR 4029 were declared adopted on a voice vote, and the titles were agreed to.

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#### MOTION

**REP. MONSON MOVED** that Engrossed SB 2375, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, Engrossed SB 2375 was rereferred.

#### SECOND READING OF SENATE BILL

**SB 2194:** A BILL for an Act to amend and reenact section 44-08-21 of the North Dakota Century Code, relating to recalls of elected officials of political subdivisions.

#### 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 87 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Dahl; Froelich; Koppelman; Schmidt; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Hofstad

SB 2194, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2232:** A BILL for an Act to amend and reenact sections 16.1-07-03 and 16.1-07-04, subsection 3 of section 16.1-07-05, subsections 1 and 2 of section 16.1-07-06, subsections 4 and 5 of section 16.1-07-08.1, section 16.1-07-09, and subdivision c of subsection 2 of section 16.1-07-15 of the North Dakota Century Code, relating to absentee voting.

#### 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel;

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; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Hofstad

Engrossed SB 2232, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2347:** A BILL for an Act to create and enact five new sections to chapter 15-62.2 of the North Dakota Century Code, relating to creation of the North Dakota promise grant program for students enrolled in institutions of higher education; to provide for reports to the legislative council; to provide legislative intent; to provide a transfer; to provide for the preparation of legislation; and to provide a continuing appropriation.

#### 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 28 YEAS, 65 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Boe; Conrad; Dahl; Delmore; Dietrich; Ekstrom; Froelich; Gruchalla; Gulleeson; Hawken; Johnson, N.; Kaldor; Kelsh, S.; Kerzman; Kretschmar; Metcalf; Monson; Mueller; Nottestad; Onstad; Pinkerton; Schmidt; Solberg; Vig; Wolf; Zaiser

**NAYS:** Amerman; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Damschen; DeKrey; Dosch; Drovda; Froseth; Glassheim; Grande; Griffin; Haas; Hanson; Hatlestad; Headland; Heller; Herbel; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kroeber; Martinson; Meier, L.; Meyer, S.; Myxter; Nelson; Owens; Pietsch; Pollert; Porter; Potter; Price; Ruby; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Hofstad

Reengrossed SB 2347, as amended, lost.

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#### SECOND READING OF SENATE BILL

**SB 2349:** A BILL for an Act to provide for ownership and maintenance for the medal of honor monument; and to provide an appropriation for the medal of honor monument.

#### 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 63 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Berg; Boucher; Carlisle; Charging; Clark; Conrad; Delmore; Dietrich; Dosch; Ekstrom; Griffin; Gruchalla; Gulleeson; Hanson; Hatlestad; Hawken; Heller; Hunskor; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pinkerton; Porter; Potter; Price; Ruby; Schmidt; Schneider; Solberg; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wieland; Williams; Wolf; Wrangham

**NAYS:** Belter; Boe; Boehning; Brandenburg; Carlson; Dahl; Damschen; DeKrey; Drovda; Froelich; Froseth; Glassheim; Grande; Haas; Headland; Herbel; Johnson, D.; Keiser; Kreidt; Monson; Pietsch; Pollert; Skarphol; Svedjan; Wall; Weiler; Weisz; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Hofstad; Koppelman

Reengrossed SB 2349 passed and the title was agreed to.



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**ANNOUNCEMENT**

**SPEAKER DELZER ANNOUNCED** that Pursuant to House Rule 329(3) Reengrossed SB 2349 was rereferred to the **Appropriations Committee**.

**SECOND READING OF SENATE BILL**

**SB 2172:** A BILL for an Act to amend and reenact subsection 20 of section 57-02-08 of the North Dakota Century Code, relating to the homestead property tax exemption for disabled veterans; and to provide an effective date.

**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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kernenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Hofstad

Engrossed SB 2172, as amended, 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: SB 2160, SB 2201, SB 2305.

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

**MR. PRESIDENT:** The House has passed unchanged: SCR 4005, SCR 4006, SCR 4008, SCR 4017, SCR 4018, SCR 4019, SCR 4025, SCR 4028, SCR 4029.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2172, SB 2194, SB 2232.

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

**MR. PRESIDENT:** The House has amended and subsequently failed: SB 2347.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4034.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1384, HCR 3004, HCR 3038.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1365.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1138, HB 1219, HB 1227, HB 1348, HB 1420, HB 1445, HB 1499, HCR 3010, HCR 3045.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1138**

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "57-43.2" insert ", and a new section to chapter 57-43.3" and replace "and" with a comma

Page 1, line 3, after "tax" insert ", and aviation fuel tax"

Page 1, after line 19, insert:

**"SECTION 3.** A new section to chapter 57-43.3 of the North Dakota Century Code is created and enacted as follows:

**Refund to emergency medical services operation.** Upon application to the commissioner, the operator of an emergency medical services operation licensed under chapter 23-27 is entitled to a refund of taxes paid under this chapter for aviation fuel purchased and used by the emergency medical services operation."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1219**

Page 1, line 7, remove "Criminal justice information sharing board -"

Page 1, line 9, replace "criminal justice information sharing board" with "information technology department" and remove "and administer"

Page 1, line 10, after "may" insert "be administered by the department of corrections and rehabilitation and must"

Page 2, line 18, replace "may satisfy" with "satisfies"

Page 2, line 22, replace "criminal justice information sharing board" with "system operator"

Page 2, line 23, remove "statewide automated victim information and"

Page 2, line 24, remove "notification"

Page 2, line 28, replace "Upon the request of the criminal justice information sharing board custodial" with "Custodial"

Page 2, line 29, replace "board" with "system operator"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1227**

Page 1, line 1, remove "and subsection 2 of section"

Page 1, line 2, remove "39-06-07"

Page 1, line 12, remove "and determination by the director that"

Page 1, line 13, remove "there is" and replace ", which" with "that"

Page 1, line 14, after "issue" insert "and, if appropriate, issue"

Page 1, line 23, overstrike "The name", remove the first underscored comma, overstrike "date of birth", remove ", and social security number", and overstrike "on all original applications"

Page 1, line 24, overstrike "must be verified by", remove "certified", overstrike "birth certificate or other" and insert immediately thereafter "To confirm the identity of the applicant, the director or examining officer shall require", and replace "as" with "be provided by the applicant. Satisfactory evidence includes a certified copy of the applicant's birth certificate or other evidence reasonably calculated to permit the determination of the date of birth and identification of the applicant by the director or examining officer"

Page 2, line 1, remove "determined by the director or examining officer" and overstrike "Applicants must produce"

Page 2, line 4, overstrike "documentary evidence", remove "that", and overstrike "confirms to the satisfaction of the"

Page 2, line 5, remove "director or" and overstrike "examining officer the true identity and date of birth of the applicant."

Page 2, replace lines 29 and 30 with:

"10. The director may not withhold the issuance of a nondriver color photo identification card without reasonable cause."

Page 3, remove lines 1 through 9

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1348**

Page 1, line 2, remove "and" and after "date" insert "; and to provide an expiration date"

Page 1, after line 11, insert:

**"SECTION 3. EXPIRATION DATE.** This Act is effective through June 30, 2009, and after that date is ineffective."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1420**

Page 1, line 14, overstrike "section" and insert immediately thereafter "sections 11-33-02.1 and"

Page 3, line 7, remove the first underscored comma and remove the second underscored comma

Page 4, remove lines 13 through 20

Page 4, line 21, replace "5." with "4."

Page 4, line 23, replace "6." with "5."

Page 4, after line 24, insert:

6. A board of county commissioners may adopt regulations that establish different standards for the location of concentrated feeding operations based on the size of the operation and the species and type being fed.

7. If a regulation would impose a substantial economic burden on a concentrated feeding operation in existence before the effective date of the regulation, the board of county commissioners shall declare that the regulation is ineffective with respect to any concentrated feeding operation in existence before the effective date of the regulation.

Page 4, line 25, replace "7." with "8."

Page 6, line 6, after "54-21.3" insert "and section 58-03-11.1"

Page 8, line 1, remove the first underscored comma and remove the second underscored comma

Page 9, remove lines 7 through 14

Page 9, line 15, replace "5." with "4."

Page 9, line 17, replace "6." with "5."

Page 9, after line 18, insert:

6. A board of township supervisors may adopt regulations that establish different standards for the location of concentrated feeding operations based on the size of the operation and the species and type being fed.

7. If a regulation would impose a substantial economic burden on a concentrated feeding operation in existence before the effective date of the regulation, the board of township supervisors shall declare that the regulation is ineffective with respect to any concentrated feeding operation in existence before the effective date of the regulation.

Page 9, line 19, replace "7." with "8."

Page 9, line 28, remove "one and" and replace "miles [2.40 kilometers]" with "mile [0.80 kilometer]"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1445**

Page 1, remove the overstrike over lines 22 through 24

Page 2, line 1, remove the overstrike over "~~county or township roadway~~" and remove "highway"

Page 2, line 2, remove the overstrike over "~~forty five~~", remove "~~sixty five~~", remove the overstrike over "~~72.42~~", remove "~~104.61~~", and after the period insert "A licensed driver over sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles [104.61 kilometers] per hour."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1499**

Page 1, line 2, replace "subsection" with "subsections" and after "8" insert "and 10"

Page 1, line 3, after "16.1-08.1-01" insert "and subdivision a subsection 2 of section 16.1-10-02"

Page 1, line 4, after "committee" insert "and a political purpose"

Page 1, line 6, replace "Subsection" with "Subsections" and after "8" insert "and 10"

Page 1, line 7, replace "is" with "are"

Page 2, after line 2, insert:

"10. "Political purpose" means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. The term does not include activities undertaken in the performance of a duty of a state office or any position taken in any bona fide news story, commentary, or editorial."

Page 3, after line 2, insert:

**"SECTION 3. AMENDMENT.** Subdivision a of subsection 2 of section 16.1-10-02 of the North Dakota Century Code is amended and reenacted as follows:

- a. "Political purpose" means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity was undertaken by a candidate, a political committee, a political party, or any other person ~~but does not include activities undertaken in the performance of a duty of state or political subdivision office.~~ In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. The term does not include activities undertaken in the performance of a duty of a state office or a position taken in any bona fide news story, commentary, or editorial."

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3010**

Page 1, line 1, after "meat" insert "and poultry"

Page 1, replace lines 21 and 22 with "first ensure that proposed rules governing implementation of country of origin labeling adequately address cattle industry concerns and then implement mandatory country of origin labeling for all meat and poultry products; and"

Renumber accordingly

**SENATE AMENDMENTS TO  
ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3045**

Page 1, line 16, remove "ten"

Page 1, line 18, after the underscored period insert "Beginning in 2011, at the beginning of each biennium immediately following a biennium in which revenue from taxes imposed on oil and gas was deposited in the permanent oil tax trust fund, the state treasurer shall adjust the dollar threshold amount as determined under this section for transfers to the permanent oil tax trust fund by applying to that amount the rate of change since the beginning of the previous biennium in the consumer price index for all urban consumers, all items, United States city average, or any successor index, as calculated by the United States department of labor, bureau of labor statistics."

Renumber accordingly

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Friday, March 23, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2073, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2073 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2094: 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). SB 2094 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "46-02-15" insert "and 46-02-20"

Page 1, line 2, after "printing" insert "and services provided by in-plant print shops"

Page 1, after line 9, insert:

**"SECTION 2. AMENDMENT.** Section 46-02-20 of the North Dakota Century Code is amended and reenacted as follows:

**46-02-20. In-plant print shops.** Central duplicating services of the office of management and budget or by departments, institutions, state offices, and printing services under the jurisdiction of the board of higher education, with the exception of the state ~~school college~~ college of science, the university of North Dakota, ~~and the North Dakota state university of North Dakota Valley City, and Valley City state university,~~ may not provide the following services: printing or duplicating of all coated stock, continuous forms, snap-out forms, envelopes over twenty thousand, process color, and print or duplicate paper larger than eleven inches [27.94 centimeters] by seventeen inches [43.18 centimeters], excluding work done on plotters."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2126, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2126 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and" and after "penalty" insert "; and to provide an effective date"

Page 1, line 6, replace the underscored comma with "or"

Page 1, line 7, remove ", or services" and remove "any employee, officer, or agent of the state, or to"

Page 1, line 9, replace the first underscored comma with "or" and remove ", or services"

Page 2, line 28, replace the first underscored comma with "or" and remove ", or"

Page 2, line 29, remove "agent" and remove ", or to any contractor, grantee, or other recipient of state"

Page 2, line 30, remove "funds,"

Page 3, line 4, replace "obtaining" with "getting" and after "false" insert "or fraudulent"

Page 3, line 5, replace "allowance" with "allowed" and replace "payment, or conspire to defraud the medical assistance" with "paid"

Page 3, remove lines 6 and 7

Page 3, line 8, remove "transmit money or property to the state"

Page 3, line 10, replace "knowingly" with ", with the intent to defraud the state or willfully to conceal the property,"

Page 3, line 14, replace "knowingly" with "intentionally defraud the state or"

Page 3, line 18, replace "any person" with "an officer or employee of the state" and after the underscored semicolon insert "or"

Page 3, line 21, replace "; or" with an underscored period

Page 3, remove lines 22 through 26

Page 4, line 23, remove "which supports the complaint"

Page 5, line 20, remove "for good cause"

Page 5, line 23, replace "to oppose" with "for a hearing on" and remove "and present evidence at a hearing"

Page 5, line 26, remove "providing the private person an opportunity to present evidence"

Page 5, line 28, after the underscored period insert "If good cause is shown, the hearing may be held in camera."

Page 7, line 17, replace the second underscored comma with "and" and remove ", payments for"

Page 7, line 18, remove "costs of compliance and any other economic benefit"

Page 7, line 23, remove "specifically"

Page 8, line 7, replace the second underscored comma with "and"

Page 8, line 8, remove ", payments for costs of compliance and any other economic"

Page 8, line 9, remove "benefit"

Page 8, line 11, after "fees" insert "and"

Page 8, line 30, remove "a."

Page 9, replace lines 3 through 7 with:

"6. a. Unless the action is brought by the attorney general or by the person that is the original source of the information, a person may not bring

an action under this section based on the public disclosure of allegations or transactions:

- (1) In a criminal, civil, or administrative hearing;
- (2) In an investigation, report, hearing, or audit conducted by, or at the request of, the legislative assembly, the state auditor, or any city, county, or political subdivision of the state; or
- (3) Of the news media.

- b. For purposes of this subsection, "original source" means an individual who has direct and independent knowledge of the information on which the allegations are based and who has voluntarily provided the information to the government before filing an action under subsection 2 which is based on that information."

Page 9, line 8, replace "6." with "7."

Page 9, line 10, replace "7." with "8."

Page 9, replace lines 24 through 27 with:

- "1. A civil action under section 3 of this Act may not be brought later than:
  - a. Six years after the date on which a violation of section 2 of this Act is committed; or
  - b. Three years after the date when facts material to the right of action are known or reasonably should have been known by the attorney general, but in no event more than ten years after the date on which the violation is committed."

Page 10, after line 9, insert:

**"SECTION 6. Limitations of actions.** An individual may not bring an action under this Act if the individual knows or has reason to know that the attorney general already has knowledge of the allegations.

**SECTION 7. EFFECTIVE DATE.** Section 6 of this Act becomes effective on the date the department of human services certifies to the legislative council that the federal government has determined that section 6 of this Act meets the requirements of section 1909 of the Social Security Act [42 U.S.C. 1396d]."

ReNUMBER accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2217, as engrossed: Political Subdivisions Committee (Rep. Herbel, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2217 was placed on the Fourteenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2336, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2336 was placed on the Sixth order on the calendar.

Page 1, line 15, after the underscored period insert "To the extent permitted by federal law and rules promulgated by the secretary of the United States department of health and human services, the rules adopted under this section must be based on the income of the obligated parent and include a limitation on the obligation of a low-income parent to provide medical support unless health insurance coverage is available to the parent at no or nominal cost."

Page 1, line 23, replace "and enter into an" with "for children who are not eligible for public health coverage under chapter 50-29. To the extent permitted by federal law and rules promulgated by the secretary of the United States department of health and human services, the rules adopted by the public authority under this section may not impair a child's ability to apply for and receive public health coverage under chapter 50-29."

Page 2, remove lines 1 and 2

Page 2, line 22, remove "The public"

Page 2, remove lines 23 through 25

Page 3, line 2, replace "or" with ", reimbursement for public health coverage provided under chapter 50-29, and"

Page 3, remove lines 3 and 4

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2345, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (23 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2345 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4023, as engrossed: Constitutional Revision Committee (Rep. Koppelman, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SCR 4023 was placed on the Fourteenth order on the calendar.

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

**Buell J. Reich, Chief Clerk**