

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

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Bismarck, March 26, 2007

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

The prayer was offered by Major Dale Hale with the Salvation Army, Bismarck.

The roll was called and all members were present except Representatives Gulleason and Schmidt.

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 Fifty-Second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1079, before line 2, insert:

"SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled resolution: HMR 7001."

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

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 23, 2007, I have signed the following: HB 1008, HB 1013, HB 1024, HB 1055, HB 1059, HB 1063, HB 1067, HB 1078, HB 1082, HB 1090, HB 1118, HB 1121, HB 1161, HB 1162, HB 1181, HB 1183, HB 1225, HB 1231, HB 1299, HB 1328, HB 1350, HB 1355, HB 1369, HB 1381, HB 1386, HB 1393, HB 1396, HB 1398, HB 1411, HB 1414, HB 1425, HB 1452, HB 1476, HB 1479, and HB 1506.

SIXTH ORDER OF BUSINESS

SPEAKER DELZER DEEMED approval of the amendments to SB 2090, Engrossed SB 2093, Engrossed SB 2206, Engrossed SB 2268, and Engrossed SCR 4022.

Engrossed SCR 4022, as amended, was placed on the Tenth order of business on the calendar.

SB 2090, Engrossed SB 2093, Engrossed SB 2206, and Engrossed SB 2268, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WEISZ MOVED that the House do not concur in the Senate amendments to Engrossed HB 1065 as printed on HJ page 875 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1065: Reps. Vigesaa, Owens, Gruchalla.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WEISZ MOVED that the House do not concur in the Senate amendments to Engrossed HB 1334 as printed on HJ page 1001 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1334: Reps. R. Kelsch, Sukut, Myxter.

SECOND READING OF SENATE BILL

SB 2310: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to legislative authority to accept and expend donations; to provide a continuing appropriation; and to declare an emergency.

ROLL CALL

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

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; 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: Gulleison; Schmidt

SB 2310, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2379: A BILL for an Act to provide for a nursing education consortium to conduct an assessment of the possible nursing student population and to establish a mobile clinical nursing simulation laboratory; to provide for a legislative council study; 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 PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; 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: Gulleison; Schmidt

Reengrossed SB 2379, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2145: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, relating to designating the chokecherry as the official state fruit.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; 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; Gulleison; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.;

Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

NAYS: Bellew

ABSENT AND NOT VOTING: Schmidt

SB 2145 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act to amend and reenact subdivision h of subsection 2 of section 12-60-24 and sections 54-35-15.2, 54-59-05, 54-59-11, 54-59-19, 54-59-20, and 54-59-21 of the North Dakota Century Code, relating to criminal history record checks, powers and duties of the information technology committee and the information technology department, information technology plans, the information technology department annual report, and access to the criminal justice information sharing system.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Boe; Delmore; Dosch; Meyer, S.; Zaiser

ABSENT AND NOT VOTING: Schmidt

Engrossed SB 2037, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2060: A BILL for an Act to amend and reenact sections 43-18-05 and 43-18-24 of the North Dakota Century Code, relating to plumbing board member compensation and plumbing code violations; to provide for a legislative council study; and to provide a penalty.

ROLL CALL

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

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

NAYS: Boe; Froelich; Kerzman

ABSENT AND NOT VOTING: Schmidt

Reengrossed SB 2060, as amended, passed and the title was agreed to.

MOTION

REP. BERG MOVED that Engrossed SB 2030, which is on the Fourteenth order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. Berg's motion, Engrossed SB 2030 was rereferred.

MOTION

REP. BERG MOVED that House Rule 508 be amended from the 55th Legislative Day to the 56th Legislative Day, which motion prevailed.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2345.

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

MR. SPEAKER: The President has signed: HB 1119, HB 1124, HB 1274, HB 1400, HB 1450, HB 1455, HB 1471, HB 1511, HCR 3037, HCR 3057, HCR 3061.

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

MR. SPEAKER: The President has signed: SCR 4004, SCR 4011, SCR 4013, SCR 4015, SCR 4020, SCR 4021, SCR 4031.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1091, HB 1128.

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

MR. PRESIDENT: The Speaker has signed: HB 1119, HB 1124, HB 1274, HB 1400, HB 1450, HB 1455, HB 1471, HB 1511, HCR 3037, HCR 3057, HCR 3061.

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

MR. PRESIDENT: The Speaker has signed: SB 2345.

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

MR. PRESIDENT: The Speaker has signed: HB 1038, HB 1164.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 26, 2007: HB 1038, HB 1164.

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

MR. PRESIDENT: The Speaker has signed: SCR 4028.

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

MR. PRESIDENT: The House has amended and subsequently failed: SB 2181.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2310.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2037, SB 2060, SB 2379.

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

MR. PRESIDENT: The House has passed unchanged: SB 2145.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2100, SB 2137, SB 2204, SB 2222, SB 2248, SB 2262, SB 2274, and SB 2284 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2100: Sens. Lyson; Olafson; Marcellais

SB 2137: Sens. Hacker; Olafson; Warner

SB 2204: Sens. Lyson; Olafson; Fiebiger

SB 2222: Sens. Lyson; Nething; Fiebiger

SB 2248: Sens. Lyson; Nething; Nelson
SB 2262: Sens. Nething; Olafson; Nelson
SB 2274: Sens. Lyson; Olafson; Marcellais
SB 2284: Sens. Nething; Olafson; Fiebiger

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1065 and HB 1334 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1065: Reps. Vigesaa; Owens; Gruchalla
HB 1334: Reps. R. Kelsch; Sukut; Myxter

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 27, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2183, as engrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (24 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2183, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 932 of the House Journal, Engrossed Senate Bill No. 2183 is amended as follows:

Page 1, line 10, after "fund" insert "and is appropriated on a continuing basis to the insurance commissioner" and remove ", subject to legislative"

Page 1, line 11, remove "appropriation"

Page 1, line 19, after "occurred" insert "from an injury sustained"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2246: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). SB 2246 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and allowances for meals"

Page 1, line 9, remove the overstrike over "~~five~~" and remove "six"

Page 1, line 12, remove the overstrike over "~~seven~~"

Page 1, line 13, remove "eight"

Page 1, line 14, remove the overstrike over "~~twelve~~"

Page 1, line 15, remove "fourteen"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the increase for reimbursement of meals for state and political subdivision officers and employees.

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

Buell J. Reich, Chief Clerk

