

## JOURNAL OF THE HOUSE

## Sixtieth Legislative Assembly

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Bismarck, January 26, 2007

The House convened at 12:00 p.m., with Speaker Delzer presiding.

The prayer was offered by Pastor Steve Behrens, Salem United Methodist Church, Hazen and Peace United Methodist Church, Beulah.

The roll was called and all members were present except Representatives Amerman, Belter, D. Johnson, Potter, and Zaiser.

A quorum was declared by the Speaker.

## MOTION

**REP. MONSON MOVED** that HB 1177, which is on the Sixth order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, HB 1177 was rereferred.

## SIXTH ORDER OF BUSINESS

**SPEAKER DELZER DEEMED** approval of the amendments to HB 1046, HB 1125, HB 1171, HB 1270, HB 1333, HB 1351, HB 1404 and HB 1464.

HB 1125, HB 1171 and HB 1404, as amended, were rereferred to the **Appropriations Committee**.

HB 1046, HB 1270, HB 1333, HB 1351 and HB 1464, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. MONSON MOVED** that the rules be suspended and HB 1464 be placed after HB 1466 on the Eleventh order on today's calendar for immediate second reading and final passage, which motion prevailed.

## MOTION

**REP. MONSON MOVED** that HB 1488 on the Eleventh order on today's calendar be moved below HB 1494 on the Eleventh order, which motion prevailed.

## MOTION

**REP. BERG MOVED** that HB 1066 be moved to the top of the Eleventh order, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1066:** A BILL for an Act to amend and reenact section 4-19-01.2 of the North Dakota Century Code, relating to the balance in the state forester reserve account.

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

**YEAS:** Aarsvold; Bellew; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, 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; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Amerman; Belter; Johnson, D.; Potter; Thorpe; Zaiser

HB 1066 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1061:** A BILL for an Act to amend and reenact section 6-09.7-09 of the North Dakota Century Code, relating to the maximum amount of Bank of North Dakota agricultural real estate loans; and to provide an effective date.

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

**ABSENT AND NOT VOTING:** Amerman; Belter; Johnson, D.; Potter; Zaiser

HB 1061 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1079:** A BILL for an Act to create and enact a new subsection to section 23-12-10 of the North Dakota Century Code, relating to the smoking of tobacco products on the state capitol grounds.

**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 26 YEAS, 63 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Brandenburg; Clark; Dietrich; Ekstrom; Glassheim; Gulleson; Hanson; Hatlestad; Herbel; Hunskor; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klemm; Kretschmar; Metcalf; Mueller; Nottestad; Price; Ruby; Sukut; Thorpe

**NAYS:** Berg; Boe; Boehning; Boucher; Carlisle; Carlson; Charging; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovda; Froelich; Froseth; Grande; Griffin; Gruchalla; Haas; Hawken; Headland; Heller; Hofstad; Johnson, N.; Karls; Kasper; Kempenich; Kerzman; Klein; Koppelman; Kreidt; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Myxter; Nelson; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Schmidt; Schneider; Skarphol; Solberg; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Amerman; Belter; Johnson, D.; Potter; Zaiser

HB 1079 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1083:** A BILL for an Act to amend and reenact section 27-03-05 of the North Dakota Century Code, relating to fees charged and collected by the clerk of the supreme court.

**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; Bellew; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas;

Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; 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; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Amerman; Belter; Johnson, D.; Potter; Zaiser

HB 1083 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1114:** A BILL for an Act to amend and reenact section 39-09-09 of the North Dakota Century Code, relating to minimum speed limits.

### 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 50 YEAS, 39 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Conrad; Dahl; Damschen; Delmore; Ekstrom; Glassheim; Grande; Gruchalla; Gulleeson; Haas; Hanson; Hatlestad; Herbel; Hofstad; Hunskor; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein; Klemin; Koppelman; Kroeber; Martinson; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Price; Ruby; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thorpe; Uglem; Vigesaa; Weisz; Wieland; Williams; Wolf

**NAYS:** Bellew; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; DeKrey; Dietrich; Dosch; Drovdal; Froelich; Froseth; Griffin; Hawken; Headland; Heller; Kasper; Kempenich; Kerzman; Kreidt; Kretschmar; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Pollert; Porter; Skarphol; Thoreson; Vig; Wald; Wall; Weiler; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Amerman; Belter; Johnson, D.; Potter; Zaiser

Engrossed HB 1114 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1126:** A BILL for an Act to create and enact a new subsection to section 53-06.2-01 and two new subsections to section 53-06.2-04 of the North Dakota Century Code, relating to the definition of the racing promotion fund and to the duties of the racing commission; and to amend and reenact section 53-06.2-11 of the North Dakota Century Code, relating to taxes on parimutuel wagering.

### 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 81 YEAS, 8 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Charging; Clark; Conrad; Dahl; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Gulleeson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; 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; Price; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wolf; Wrangham

**NAYS:** Bellew; Carlson; Damschen; Grande; Ruby; Skarphol; Weiler; Speaker Delzer

**ABSENT AND NOT VOTING:** Amerman; Belter; Johnson, D.; Potter; Zaiser

HB 1126 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1149:** A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to the governor's proclamation concerning the youth deer hunting season; and to amend and reenact subsection 1 of section 20.1-03-11 and subsection 3 of section 20.1-03-12 of the North Dakota Century Code, relating to deer hunting age requirements and license fees.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 80 YEAS, 9 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Conrad; Hanson; Herbel; Kelsh, S.; Kerzman; Mueller; Onstad; Schneider

**ABSENT AND NOT VOTING:** Amerman; Belter; Johnson, D.; Potter; Zaiser

HB 1149 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

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

**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 50 YEAS, 39 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boe; Boucher; Conrad; Dahl; DeKrey; Delmore; Ekstrom; Froelich; Glassheim; Grande; Griffin; Gruchalla; Gulleston; Haas; Hanson; Hatlestad; Hawken; Herbel; Hunskor; Johnson, N.; Kaldor; Karls; Keiser; Kelsh, S.; Kerzman; Kingsbury; Klemin; Kroeber; Martinson; Metcalf; Meyer, S.; Mueller; Myxter; Nottestad; Onstad; Pinkerton; Schmidt; Schneider; Solberg; Sukut; Thorpe; Uglem; Vig; Wald; Wall; Weisz; Wieland; Williams; Wolf

**NAYS:** Bellew; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Damschen; Dietrich; Dosch; Drovdal; Froseth; Headland; Heller; Hofstad; Kasper; Kelsch, R.; Kempenich; Klein; Koppelman; Kreidt; Kretschmar; Meier, L.; Monson; Nelson; Owens; Pietsch; Pollert; Porter; Price; Ruby; Skarphol; Svedjan; Thoreson; Vigesaa; Weiler; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Amerman; Belter; Johnson, D.; Potter; Zaiser

HB 1186 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

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

**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 25 YEAS, 64 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boe; Boucher; Clark; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Gruchalla; Hanson; Hunskor; Kaldor; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Nottestad; Onstad; Schneider; Thorpe; Williams; Wolf

**NAYS:** Bellew; Berg; Boehning; Brandenburg; Carlisle; Carlson; Charging; Dahl; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Froseth; Grande; Griffin; Guleson; Haas; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Monson; Myxter; Nelson; Owens; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Schmidt; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Amerman; Belter; Johnson, D.; Potter; Zaiser

HB 1187 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1303:** A BILL for an Act to amend and reenact subsection 7 of section 57-02-27.2 of the North Dakota Century Code, relating to actual use of agricultural property as a basis for determination of the status of property as cropland or noncropland for property tax assessment purposes; 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 82 YEAS, 7 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Berg; Boe; Boucher; Brandenburg; Carlisle; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; 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; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Weiler; Weisz; Wieland; Wolf; Wrangham; Speaker Delzer

**NAYS:** Boehning; Carlson; Johnson, N.; Vig; Wald; Wall; Williams

**ABSENT AND NOT VOTING:** Amerman; Belter; Johnson, D.; Potter; Zaiser

Engrossed HB 1303 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1347:** A BILL for an Act to amend and reenact subsections 3 and 4 of section 25-01.3-02 of the North Dakota Century Code, relating to appointment of a member of the committee on protection and advocacy by a North Dakota nonprofit advocacy group of people with disabilities, to update the name of another appointing group, and to stagger the terms of the members.

**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; Bellew; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, 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; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Amerman; Belter; Johnson, D.; Potter; Zaiser

HB 1347 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1413:** A BILL for an Act to amend and reenact subsections 5 and 6 of section 52-04-05 and subsections 2, 3, and 6 of section 52-04-06 of the North Dakota Century Code, relating to determination of unemployment insurance tax rates.

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

**YEAS:** Aarsvold; Bellew; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; 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; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Amerman; Belter; Johnson, D.; Kelsh, S.; Potter; Zaiser

HB 1413 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1422:** A BILL for an Act to amend and reenact section 50-24.6-04 of the North Dakota Century Code, relating to the prior authorization 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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; 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; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Amerman; Belter; Johnson, D.; Kelsh, S.; Potter; Zaiser

HB 1422 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1466:** A BILL for an Act to create and enact chapter 14-02.7 of the North Dakota Century Code, relating to the prohibition of the performance of abortions, except to save the life of the mother; to provide a penalty; and to provide an effective date.

**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 61 YEAS, 26 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Clark; Damschen; DeKrey; Dietrich; Dosch; Drovdal; Froelich; Froseth; Grande; Gruchalla; Haas; Headland; Heller; Herbel; Hofstad; Hunskor; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Owens; Pietsch; Pollert; Porter; Ruby; Schmidt; Skarphol; Solberg; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Delzer

**NAYS:** Aarsvold; Charging; Conrad; Dahl; Delmore; Ekstrom; Glassheim; Griffin; Gulleson; Hanson; Hatlestad; Hawken; Johnson, N.; Kaldor; Kroeber; Martinson; Myxter; Nottestad; Onstad; Pinkerton; Price; Schneider; Sukut; Thorpe; Vig; Wolf

**ABSENT AND NOT VOTING:** Amerman; Belter; Boe; Johnson, D.; Kelsh, S.; Potter; Zaiser

HB 1466 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1464:** A BILL for an Act to create and enact a new section to chapter 14-02.1 of the North Dakota Century Code, relating to use of abortion-inducing drugs; to amend and reenact sections 14-02.1-02 and 14-02.1-02.1, subsections 2 and 3 of section 14-02.1-03.1, and sections 14-02.1-08, 14-02.3-01, 14-02.3-03, 15.1-19-05, 15.1-19-06, and 23-16-14 of the North Dakota Century Code, relating to limitations on abortion; 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 NOT PASS, the roll was called and there were 39 YEAS, 49 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Boehning; Brandenburg; Carlson; Clark; Damschen; DeKrey; Dosch; Froelich; Froseth; Grande; Gulleson; Heller; Herbel; Hofstad; Hunskor; Karls; Kasper; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kretschmar; Meier, L.; Metcalf; Monson; Mueller; Pollert; Ruby; Skarphol; Thoreson; Vigesaa; Wald; Wieland; Williams; Wrangham; Speaker Delzer

**NAYS:** Aarsvold; Berg; Boucher; Carlisle; Charging; Conrad; Dahl; Delmore; Dietrich; Drovdal; Ekstrom; Glassheim; Griffin; Gruchalla; Haas; Hanson; Hatlestad; Hawken; Headland; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kreidt; Kroeber; Martinson; Meyer, S.; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Porter; Price; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thorpe; Uglem; Vig; Wall; Weiler; Weisz; Wolf

**ABSENT AND NOT VOTING:** Amerman; Belter; Boe; Johnson, D.; Potter; Zaiser

Engrossed HB 1464 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1489:** A BILL for an Act to create and enact a new section to chapter 12.1-16 and a new section to chapter 43-17 of the North Dakota Century Code, relating to the protection of a preborn child and the duty of physicians; and to provide a penalty.

**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 20 YEAS, 69 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Berg; Brandenburg; Carlson; Clark; Damschen; Dosch; Grande; Hunskor; Karls; Kasper; Kerzman; Klein; Metcalf; Ruby; Thoreson; Vigesaa; Wald; Weiler; Speaker Delzer

**NAYS:** Aarsvold; Boe; Boehning; Boucher; Carlisle; Charging; Conrad; Dahl; DeKrey; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Price; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thorpe; Uglem; Vig; Wall; Weisz; Wieland; Williams; Wolf; Wrangham

**ABSENT AND NOT VOTING:** Amerman; Belter; Johnson, D.; Potter; Zaiser

HB 1489 lost.

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### SECOND READING OF HOUSE BILL

**HB 1494:** A BILL for an Act to amend and reenact sections 14-02.3-01 and 14-02.3-03 of the North Dakota Century Code, relating to limitations on abortion.

### 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 29 YEAS, 60 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Brandenburg; Carlisle; Carlson; Clark; Damschen; DeKrey; Dosch; Froelich; Grande; Heller; Karls; Kasper; Kelsh, S.; Kerzman; Klein; Koppelman; Meier, L.; Metcalf; Ruby; Skarphol; Thoreson; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

**NAYS:** Aarsvold; Berg; Boe; Boehning; Boucher; Charging; Conrad; Dahl; Delmore; Dietrich; Drovdal; Ekstrom; Froseth; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Herbel; Hofstad; Hunskor; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Price; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thorpe; Uglem; Vig; Wall; Williams; Wolf

**ABSENT AND NOT VOTING:** Amerman; Belter; Johnson, D.; Potter; Zaiser

HB 1494 lost.

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### SECOND READING OF HOUSE BILL

**HB 1488:** A BILL for an Act to amend and reenact section 23-09.3-04 of the North Dakota Century Code, relating to state department of health surveys of basic care facilities.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 75 YEAS, 13 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Ekstrom; Froseth; Griffin; Gruchalla; Hanson; Kaldor; Kelsh, S.; Kerzman; Kroeber; Meyer, S.; Schneider; Thorpe

**ABSENT AND NOT VOTING:** Amerman; Belter; Boucher; Johnson, D.; Potter; Zaiser

HB 1488 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1496:** A BILL for an Act to amend and reenact section 49-06-24 of the North Dakota Century Code, relating to prohibitions against increases in electric rates.

**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 14 YEAS, 74 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Boehning; Brandenburg; Carlson; Damschen; Drovdal; Grande; Headland; Klein; Pollert; Skarphol; Svedjan; Thoreson; Wald; Speaker Delzer

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

**ABSENT AND NOT VOTING:** Amerman; Belter; Boucher; Johnson, D.; Potter; Zaiser

HB 1496 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1503:** A BILL for an Act to amend and reenact section 54-17-37 of the North Dakota Century Code, relating to extending the tribal-state guaranty program; to provide an effective date; and to declare an emergency.

**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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Berg; Boe; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, 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; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Amerman; Belter; Boucher; Johnson, D.; Potter; Zaiser

HB 1503 passed, the title was agreed to, and the emergency clause was declared carried.

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**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 1109, HB 1137, HB 1184, HB 1216, HB 1234, HB 1235, HB 1257, HB 1258, HB 1274, HB 1282, HB 1302, HB 1310, HB 1313, HB 1332, HB 1350.

**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 1291, HB 1293, HB 1301.

**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 2097.

**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 2001, SB 2053, SB 2100, SB 2112, SB 2114, SB 2160, SB 2162, SB 2176, SB 2182.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, January 29, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1091: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1091 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1112: Political Subdivisions Committee (Rep. Herbel, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1112 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1113: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1113 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "39-04-55 and" and remove "subsection 1 of"

Page 1, line 2, remove "section 39-08-03.1, and sections 39-08-18,", remove "39-10.1-01,", after the fifth comma insert "and", and remove the sixth comma

Page 1, line 3, remove "39-21-09, and 39-21-50"

Page 1, remove lines 5 through 21

Page 2, line 4, remove the overstrike over "~~twenty~~" and remove "fifty"

Page 2, line 31, overstrike "not less than", remove "twenty", overstrike "dollars nor more than", and replace "sixty" with "fifty"

Page 3, line 11, remove the overstrike over "~~twenty~~" and remove "fifty"

Page 4, remove lines 15 through 31

Page 5, remove lines 1 through 30

Page 6, remove lines 21 through 29

Page 7, remove lines 1 through 3

Page 7, remove lines 22 through 29

Page 8, remove lines 1 through 22

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1120: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1120 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1158: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1158 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1182: Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1182 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1195: Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1195 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1197: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1197 was placed on the Sixth order on the calendar.

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

Page 3, after line 5, insert:

"**SECTION 3. EFFECTIVE DATE.** This Act becomes effective on August 1, 2009."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1225: Political Subdivisions Committee (Rep. Herbel, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1225 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1244: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1244 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1248: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1248 was placed on the Sixth order on the calendar.

Page 1, replace lines 22 through 24 with:

- "3. a. If the superintendent of public instruction denies the project, the school board may appeal the superintendent's decision to the state board of public school education. In considering the appeal, the state board shall review:
- (1) The need for the project;
  - (2) The educational utility of the project;
  - (3) The school district's ability to sustain a stable or increasing student enrollment for a period of time at least equal to the anticipated usable life of the project;
  - (4) The potential use of the project by a future reorganized school district;
  - (5) The capacity of the district to pay for the project; and
  - (6) Any other objective factors relative to the appeal.
- b. The decision of the state board is final."

Page 2, line 1, remove the overstrike over "~~4~~."

Page 2, line 5, remove the overstrike over "~~5~~." and remove "~~4~~."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1252: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1252 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1259: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1259 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1312: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1312 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "2012" with "2011"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1325: Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1325 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1326: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1326 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1329: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1329 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1362: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1362 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1373: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1373 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1375: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1375 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1377: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1377 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1378: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1378 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1431: 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). HB 1431 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new section to chapter 26.1-36 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "of specific drugs for the treatment of epilepsy; and"

Page 1, line 12, after "a." insert:

"Anti-epileptic drug" means any drug for the treatment of epilepsy or a drug that is used to treat or prevent seizures. The term does not include an anti-epileptic drug that is used to treat conditions other than epilepsy or to treat or prevent seizures.

b."

Page 1, line 14, overstrike "b." and insert immediately thereafter "c."

Page 1, line 17, overstrike "c." and insert immediately thereafter "d."

Page 1, after line 19, insert:

"e. "Epilepsy" means a neurological condition characterized by recurrent seizures."

Page 1, line 20, overstrike "d." and insert immediately thereafter "f."

Page 1, after line 21, insert:

"g. "Interchange" means the substitution of one version of the same anti-epileptic drug, including a generic version for the prescribed brand, a brand version for the prescribed generic version, a generic version by one manufacturer for a generic version by a different manufacturer, a different formulation of the prescribed anti-epileptic drug, or a different anti-epileptic drug for the anti-epileptic drug originally prescribed."

Page 1, line 22, overstrike "e." and insert immediately thereafter "h."

Page 1, after line 24, insert:

"i. "Seizure" means an acute clinical change secondary to a brief disturbance in the electrical activity of the brain."

Page 2, line 1, overstrike "f." and insert immediately thereafter "j."

Page 2, line 2, overstrike "g." and insert immediately thereafter "k."

Page 4, line 12, replace "dispense a therapeutically equivalent generic name drug" with "interchange an anti-epileptic drug or formulation of an anti-epileptic drug for the treatment of seizures or epilepsy without notification of the prescribing practitioner and the signed informed consent of the interchange from the patient or the consent of the patient's parent, legal guardian, or spouse"

Page 4, remove lines 13 and 14

Page 4, line 15, remove "issued the prescription and the patient for whom the prescription was prescribed"

Page 4, line 21, after "prescription" insert "and the consent of the patient or the consent of the patient's parent, legal guardian, or spouse"

Page 5, remove lines 9 through 14

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1436: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1436 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1485: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1485 was placed on the Eleventh order on the calendar.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Reps. Monson, Aarsvold, Nelson and Sens. Heitkamp, Holmberg, Wanzek introduced:

**HCR 3028:** A concurrent resolution urging Congress to recognize the multiple benefits of industrial hemp and to facilitate the growing of industrial hemp and the expansion of industries reliant on industrial hemp-based products.

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

Reps. Solberg, Gulleson, Mueller, Schmidt and Sens. Heitkamp, Mathern introduced:

**HCR 3029:** A concurrent resolution supporting the North Dakota Congressional Delegation's efforts to promote travel and tourism to the United States and urging Congress to enact legislation to construct a national program to encourage travel and tourism to this county.

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

Reps. Kempenich, Drovdal, S. Meyer and Sens. Bowman, O'Connell, Stenehjem introduced:

**HCR 3030:** A concurrent resolution congratulating Ms. Ashley Andrews on becoming Miss Rodeo America 2007.

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

Reps. Wolf, Boehning, Heller, Mueller, Schneider and Sen. Lyson introduced:

**HCR 3031:** A concurrent resolution urging Congress to reintroduce the Restitution for Victims of Crime Act to improve the collection of federal court-ordered restitution and other criminal debt and urging the United States Department of Justice to recover court-ordered restitution that is owed innocent victims.

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

Reps. Gulleson, Berg, Boucher, Hawken and Sens. Nelson, Stenehjem introduced:

**HCR 3032:** A concurrent resolution acknowledging the actions of the 44th Legislative Assembly of North Dakota and the sponsors of Senate Concurrent Resolution No. 4007 affirming the equal application of the United States Constitution to all citizens through the passage of the Equal Rights Amendment; declaring Friday, March 9, 2007, North Dakota Equal Rights Amendment Recognition Day; and encouraging a recommitment to the ratification of the Equal Rights Amendment in all states and final passage in Congress.

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

Reps. Froelich, S. Meyer introduced:

**HCR 3033:** A concurrent resolution urging Congress not to allow the importation of Canadian cattle over 30 months of age.

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

Reps. D. Johnson, DeKrey and Sen. Wanzek introduced:

**HCR 3034:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of eliminating refunds from the potato assessment law.

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

Reps. Berg, Boucher and Sens. Stenehjem, O'Connell introduced:

**HCR 3035:** A concurrent resolution proclaiming February 12, 2008, through February 12, 2010, the official observance of the bicentennial of Abraham Lincoln's birth.

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

Reps. S. Kelsh, Gulleson, Owens and Sens. Anderson, Mathern introduced:

**HCR 3036:** A concurrent resolution urging Congress and the President of the United States to enact federal legislation to deny unintended tax benefits to foreign subsidiaries of United States companies which are set up in tax haven countries.

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

Reps. Kempenich, Drovdal, Heller, Onstad and Sens. Christmann, Warner introduced:

**HCR 3037:** A concurrent resolution urging Congress to decouple federal mineral royalty revenue payments from states to counties when calculating PILT payments.

Was read the first time and referred to the **Political Subdivisions Committee**.

Reps. S. Meyer, Boe, Delmore, Ekstrom, Mueller, Schneider introduced:

**HCR 3038:** A concurrent resolution supporting the North Dakota Congressional Delegation's efforts to make prescription drugs more affordable and urging Congress to take the necessary actions to make prescription drugs more affordable for all Americans.

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

Reps. Berg, Boucher, Delzer and Sens. Stenehjem, J. Lee, O'Connell introduced:

**HCR 3039:** A concurrent resolution urging the United States Secretary of Commerce to complete a Taiwan-United States free trade agreement.

Was read the first time and referred to the **Political Subdivisions Committee**.

Reps. Kerzman, Boucher, Froelich and Sen. Krauter introduced:

**HCR 3040:** A concurrent resolution urging the United States Trade Representative to negotiate changes in provisions of the North America Free Trade Agreement which appear to impose liability upon governing bodies in this country for enforcing a law or rule that protects the health, safety, and welfare of the citizens of this country and North Dakota.

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

Reps. Boe, Froelich, Onstad introduced:

**HCR 3041:** A concurrent resolution directing the Legislative Council to study the trends and correlations of property tax revenue in relation to funding human service delivery in individual counties.

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

Reps. Monson, R. Kelsch, Weisz and Sens. Holmberg, Warner introduced:

**HCR 3042:** A concurrent resolution urging Congress to direct the United States Drug Enforcement Administration to differentiate between industrial hemp and marijuana.

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

Reps. Schneider, N. Johnson introduced:

**HCR 3043:** A concurrent resolution proclaiming January 29, 2007, as American Cancer Society Awareness Day.

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

Reps. Berg, Boucher and Sens. Stenehjem, O'Connell introduced:

**HCR 3044:** A concurrent resolution directing the Legislative Council to study how the state might pursue additional uses of Lake Sakakawea and Missouri River waters for such beneficial purposes as domestic and industrial uses, recreation, fish and wildlife, and irrigation, and how the state, to enhance its use of the lake and river, might promote congressional review of the 1944 Flood Control Act and a reexamination by the Corps of Engineers of the way in which it manages the Missouri River system.

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

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

**Buell J. Reich, Chief Clerk**

