

## JOURNAL OF THE HOUSE

## Sixty-first Legislative Assembly

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Bismarck, January 16, 2009

The House convened at 12:30 p.m., with Acting Speaker Delzer presiding.

The prayer was offered by Bishop Paul Zipfel, Catholic Diocese, Bismarck.

The roll was called and all members were present except Representatives Glassheim, Kasper, and Monson.

A quorum was declared by the Acting Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER DELZER DEEMED** approval of the amendments to HB 1099, HB 1136, and HB 1143.

HB 1099, HB 1136, and HB 1143, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. VIGESAA MOVED** that HB 1152, which is on the Eleventh order, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1152 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that HB 1278 be returned to the House floor from the **Political Subdivisions Committee** and be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1278 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that HB 1380 be returned to the House floor from the **Agriculture Committee** and be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1380 was rereferred.

## SECOND READING OF HOUSE BILL

**HB 1144:** A BILL for an Act to amend and reenact section 50-06-15 of the North Dakota Century Code, relating to confidentiality of information contained in records.

## 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

\*\*\*The **SUSPENDED ROLL CALL** will be inserted **HERE** when creating the **FREE FORM** module\*\*\*.

the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovda; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Acting Speaker Delzer

**ABSENT AND NOT VOTING:** Kasper; Monson

HB 1144 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1024:** A BILL for an Act to amend and reenact sections 43-06-18, 43-06-19, 43-10-24, 43-18.1-09, 43-18.2-12, 43-23-17, 43-25-19, 43-33-18, 43-40-18, 43-41-14, 43-42-07, 43-45-08, and 43-48-16 of the North Dakota Century Code, relating to penalty provisions under occupational and professional licensing laws; to repeal section 43-41-13 of the North Dakota Century Code, relating to bribery and false statements in seeking licensure from the board of social work examiners; and to provide penalties.

**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:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Acting Speaker Delzer

**ABSENT AND NOT VOTING:** Kasper; Monson

HB 1024, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1158:** A BILL for an Act to amend and reenact subsection 1 of section 26.1-40-18 of the North Dakota Century Code, relating to automobile warranty contracts, automobile mechanical breakdown contracts, and automobile service contracts.

**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:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Acting Speaker Delzer

**ABSENT AND NOT VOTING:** Kasper; Monson

HB 1158, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1076:** A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to individuals who may not hunt.

**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 6 YEAS, 86 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Conrad; Damschen; DeKrey; Glassheim; Kingsbury; Winrich

**NAYS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Dahl; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Acting Speaker Delzer

**ABSENT AND NOT VOTING:** Kasper; Monson

HB 1076 lost.

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### SECOND READING OF HOUSE BILL

**HB 1087:** A BILL for an Act to amend and reenact sections 5-01-04 and 5-01-14 and subsection 5 of section 5-01-16 of the North Dakota Century Code, relating to obsolete references to the federal bureau of alcohol, tobacco, firearms and explosives for alcoholic beverage regulation purposes and monthly sales report filing requirements for microbrew pubs; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Acting Speaker Delzer

**ABSENT AND NOT VOTING:** Kasper; Monson

HB 1087 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1107:** A BILL for an Act to create and enact section 11-09.1-14 of the North Dakota Century Code, relating to expenses for indigent defense services in home rule counties; and to amend and reenact subsection 4 of section 12.1-32-08, section 27-20-49, and subsections 1, 2, and 3 of section 29-07-01.1 of the North Dakota Century Code, relating to the payment of and reimbursement for indigent defense attorney's fees and expenses.

### ROLL CALL

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa;

Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser;  
Acting Speaker Delzer

**ABSENT AND NOT VOTING:** Kasper; Monson

HB 1107 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1108:** A BILL for an Act to amend and reenact section 27-20-26 of the North Dakota Century Code, relating to the right to counsel under the Juvenile Court Act.

## ROLL CALL

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovda; Ekstrom; Frantsvog; Froelich; Froeth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser;  
Acting Speaker Delzer

**ABSENT AND NOT VOTING:** Kasper; Monson

HB 1108 passed and the title was agreed to.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1072, HB 1080, HB 1091, HB 1095, HB 1142.

## MOTION

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

## MOTION

**REP. VIGESAA MOVED** that the House be on the Fifth and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, January 19, 2009, which motion prevailed.

## REPORT OF STANDING COMMITTEE

**HB 1025: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1025 was placed on the Sixth order on the calendar.

Page 25, line 17, after "person" insert "willfully"

Page 69, line 27, after "person" insert "willfully"

Renumber accordingly

## REPORT OF STANDING COMMITTEE

**HB 1093: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1093 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new subsection to section 43-41-09 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "subsection 4 of section 43-41-02 and"

Page 1, line 4, remove "practice and" and replace "work" with "workers"

Page 1, remove lines 6 through 13

Page 2, remove lines 6 through 9

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1050: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1050 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1051: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1051 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1052: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1052 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1054: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1054 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1055: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1055 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1056: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1056 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1133: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1133 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1147: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1147 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1148: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1148 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1153: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1153 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1162: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1162 was placed on the Eleventh order on the calendar.

#### FIRST READING OF HOUSE BILL

Reps. Martinson, Nelson, Schneider and Sens. Krebsbach, J. Lee, Schneider introduced:

**HB 1440:** A BILL for an Act to amend and reenact section 43-15-35 of the North Dakota Century Code, relating to permits to operate pharmacies.

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

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

**Buell J. Reich, Chief Clerk**