

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, March 12, 2009

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

The prayer was offered by Pastor Larry Giese, Lord of Life Lutheran Church, Bismarck

The roll was called and all members were present except Representatives Brandenburg and Hunsakor.

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. Delzer, Chairman)** has carefully reexamined the Journal of the 33rd and 43rd Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 729, remove lines 4 and 5.

Page 729, after line 36, insert:

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

MR. PRESIDENT: The Speaker has signed: HCR 3007.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on February 19, 2009: HCR 3007.

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

MR. PRESIDENT: The Speaker has signed: SB 2092."

Page 868, line 15, remove "amended "

Page 871, line 51, remove "amended "

Page 872, line 13, remove "amended "

Page 872, line 34, remove "amended "

Page 873, line 33, remove "amended "

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

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to Engrossed SB 2081, SB 2082, Engrossed SB 2163, and SB 2172.

Engrossed SB 2081, SB 2082, Engrossed SB 2163, and SB 2172, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGESAA MOVED that Reengrossed SB 2160, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Reengrossed SB 2160 was rereferred.

MOTION

REP. VIGESAA MOVED that Engrossed SB 2210, which is on the Fourteenth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2210 was rereferred.

MOTION

REP. VIGESAA MOVED that Engrossed SB 2211, which is on the Fourteenth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2211 was rereferred.

MOTION

REP. VIGESAA MOVED that SB 2222, which is on the Fourteenth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, SB 2222 was rereferred.

SECOND READING OF SENATE BILL

SB 2184: A BILL for an Act to amend and reenact subsection 5 of section 57-40.3-01 of the North Dakota Century Code, relating to exclusion of motor vehicle manufacturers' incentives or discounts from motor vehicle excise taxes; 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; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovda; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; 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; Speaker Monson

ABSENT AND NOT VOTING: Brandenburg; Hunskor

Engrossed SB 2184 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2279: A BILL for an Act to amend and reenact subsection 5 of section 39-08-13 of the North Dakota Century Code, relating to the parties from whom a motor vehicle accident investigating officer's opinion may be obtained.

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, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Amerman; Conrad; Froelich; Gruchalla; Holman; Kelsh, J.; Kelsh, S.; Metcalf; Myxter; Vig

ABSENT AND NOT VOTING: Brandenburg; Hunskor

SB 2279, as amended, passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

REP. DROVDAL: Mr. Speaker: I rise on a point of personal privilege.

Mr. Speaker and Members of the 61st Legislature. This past fall the Watford City Wolves defeated a highly respected Valley City team to claim the 2008 North Dakota High School Class AA football title.

The Wolves rebounded from an early season loss to finish the year 11-1. The improbability of this victory was driven by the fact that this is the last year the Wolves will be in the AA league.

In meeting the number one rated Valley City, the Wolves played to a 1 point advantage after the first half. This lead the announcer to proclaim the High liners would be the winners because, in his eyes, the Wolves defense would not be able to keep up with the powerful offense of the Blue Jays. The end of the game saw the Wolves with two unanswered touch downs and thus WINNING THEIR 9TH STATE AA FOOTBALL CHAMPIONSHIP.

Speaking for the District 39 legislators and all citizens of McKenzie County, we would like to congratulate the Wolves and their coach Mr. Fred Fridley, who has received recognition as National Coach of the Year and is a member of the North Dakota High School Football Hall of Fame for winning the 2008 AA North Dakota State Football Championship.

MOTION

REP. VIGESAA MOVED that the remarks of Rep. Drovda be printed in the Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2090: A BILL for an Act to amend and reenact subsection 12 of section 57-39.2-04 of the North Dakota Century Code, relating to sales and use tax imposed on purchases made in North Dakota by persons from an adjoining state; 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: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovda; Ekstrom; Frantsov; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemm; 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; Speaker Monson

ABSENT AND NOT VOTING: Brandenburg; Hunsdor

SB 2090, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2091: A BILL for an Act to amend and reenact subsections 4 and 5 of section 53-06.1-12 of the North Dakota Century Code, relating to gaming and excise taxes deposits and allocations.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovda; Ekstrom; Frantsov; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Klein; Klemm; 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; Speaker Monson

ABSENT AND NOT VOTING: Brandenburg; Hunskor; Kingsbury

SB 2091 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2118: A BILL for an Act to amend and reenact section 27-09.1-14 of the North Dakota Century Code, relating to compensation of jurors.

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; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; 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; Speaker Monson

ABSENT AND NOT VOTING: Brandenburg; Hunskor

SB 2118 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2220: A BILL for an Act to amend and reenact section 6-03-64 of the North Dakota Century Code, relating to payment orders against minors' bank accounts.

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; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; 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; Speaker Monson

ABSENT AND NOT VOTING: Brandenburg; Hunskor

SB 2220 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2235: A BILL for an Act to create and enact a new section to chapter 47-04.1 of the North Dakota Century Code, relating to lender approval of amendment of condominium rules.

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; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom;

Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; 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; Speaker Monson

ABSENT AND NOT VOTING: Brandenburg; Hunskor

Engrossed SB 2235 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2240: A BILL for an Act to create and enact a new section to chapter 6-08.4 of the North Dakota Century Code, relating to the powers of an industrial bank; 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 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Boe; Boehning; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; 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; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Berg; Thoreson

ABSENT AND NOT VOTING: Brandenburg; Hunskor

SB 2240 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2390: A BILL for an Act to provide for a legislative council study of the establishment and development of certified technology parks.

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 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; 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; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; 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; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Delzer; Weiler

ABSENT AND NOT VOTING: Brandenburg; Hunskor

Engrossed SB 2390 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2166: A BILL for an Act to amend and reenact subsection 2 of section 15-62.2-00.1 and subsection 2 of section 15-62.2-01 of the North Dakota Century Code, relating to financial assistance for students; and to repeal chapter 15-62.3 of the North Dakota Century Code, relating to the tuition assistance grant 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 83 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Karls; Kasper; 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; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Schatz; Schmidt; Schneider; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Weiler; Weisz; Wieland; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Delzer; Drovdal; Kaldor; Onstad; Rust; Skarphol; Wall; Williams; Winrich

ABSENT AND NOT VOTING: Brandenburg; Hunskor

Engrossed SB 2166 passed and the title was agreed to.

MOTION

REP. L. MEIER MOVED that the House reconsider its action whereby SB 2261 failed to pass, which motion lost on a verification vote.

SECOND READING OF SENATE BILL

SB 2179: A BILL for an Act to amend and reenact subsection 7 of section 16.1-03-20 of the North Dakota Century Code, relating to participation in presidential preference caucuses.

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 17 YEAS, 74 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Boe; Delmore; Froelich; Hawken; Holman; Johnson, N.; Kaldor; Kelsh, J.; Kerzman; Kroeber; Meyer, S.; Mock; Mueller; Nelson; Onstad; Potter; Vig

NAYS: Amerman; Bellew; Belter; Berg; Boehning; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Headland; Heller; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Myxter; Nathe; Nottestad; Pietsch; Pinkerton; Pollert; Porter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Boucher; Brandenburg; Hunskor

SB 2179 lost.

SECOND READING OF SENATE BILL

SB 2182: A BILL for an Act to amend and reenact section 29-31.1-02 of the North Dakota Century Code, relating to return of seized property.

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 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; 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; Speaker Monson

NAYS: Froelich

ABSENT AND NOT VOTING: Brandenburg; Hunskor

SB 2182 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2241: A BILL for an Act to amend and reenact subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to the fee for an overweight vehicle or load.

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, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; 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; Speaker Monson

NAYS: Glassheim; Metcalf; Nottestad

ABSENT AND NOT VOTING: Brandenburg; Hunskor

SB 2241 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2268: A BILL for an Act to create and enact a new section to chapter 43-19.1 of the North Dakota Century Code, relating to recognition of retired status for engineers; to amend and reenact sections 43-19.1-02, 43-19.1-03, 43-19.1-04, 43-19.1-05, 43-19.1-07, 43-19.1-08, 43-19.1-09, 43-19.1-10, 43-19.1-11, 43-19.1-12, 43-19.1-12.1, 43-19.1-13, 43-19.1-14, 43-19.1-15, 43-19.1-16, 43-19.1-16.1, 43-19.1-17, 43-19.1-18, 43-19.1-19, 43-19.1-20, 43-19.1-21, 43-19.1-22, 43-19.1-23, 43-19.1-24, 43-19.1-25, 43-19.1-26, 43-19.1-27, 43-19.1-29, 43-19.1-30, 43-19.1-31, and 43-19.1-33 of the North Dakota Century Code, relating to the regulation of professional engineers and professional land surveyors; 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 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; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom;

Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; 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; Speaker Monson

ABSENT AND NOT VOTING: Brandenburg; Hunskor

Engrossed SB 2268 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to repeal section 16.1-03-20 of the North Dakota Century Code, relating to presidential preference caucuses.

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; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; 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; Speaker Monson

ABSENT AND NOT VOTING: Brandenburg; Hunskor

SB 2307 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2367: A BILL for an Act to create and enact a new section to chapter 39-24 of the North Dakota Century Code, relating to safety fees for snowmobiles; and to amend and reenact sections 39-22.3-04 and 39-29-01.1 of the North Dakota Century Code, relating to motor-powered recreational vehicle dealer licenses and safety fees for off-highway vehicles.

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 72 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Heller; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Rust; Schmidt; Schneider; Sukut; Svedjan; Thorpe; Uglem; Wald; Wall; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

NAYS: Boehning; Delzer; Froelich; Headland; Hofstad; Kasper; Kerzman; Koppelman; Meyer, S.; Nathe; Pollert; Ruby; Schatz; Skarphol; Thoreson; Vig; Vigesaa; Weiler; Weisz; Wrangham

ABSENT AND NOT VOTING: Brandenburg; Hunskor

Engrossed SB 2367 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2132: A BILL for an Act to amend and reenact section 49-01-02 of the North Dakota Century Code, relating to the election of one public service commissioner as chairman of the commission.

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 73 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovda; Frantsvog; Froelich; Froseth; Grande; Griffin; Gruchalla; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Myxter; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wrangham; Speaker Monson

NAYS: Conrad; Delmore; Ekstrom; Glassheim; Hanson; Kilichowski; Metcalf; Meyer, S.; Mock; Mueller; Onstad; Pinkerton; Potter; Schmidt; Thorpe; Vig; Weiler; Wolf; Zaiser

ABSENT AND NOT VOTING: Brandenburg; Hunskor

SB 2132 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2206: A BILL for an Act to amend and reenact section 41-09-84 of the North Dakota Century Code, relating to the effectiveness of a Uniform Commercial Code termination statement; and to provide for retroactive application.

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; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovda; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; 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; Speaker Monson

ABSENT AND NOT VOTING: Brandenburg; Hunskor

SB 2206 passed and the title was agreed to.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1030, HB 1072, HB 1115, HB 1117, HB 1118, HB 1122, HB 1132, HB 1149, HB 1150, HB 1163, HB 1164, HB 1220, HB 1270, HB 1287, HB 1326, HB 1414, HB 1482, HCR 3001.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2100, SB 2317.

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 2139.

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

MR. PRESIDENT: The House has failed to pass unchanged: SB 2264.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has failed to pass unchanged: HB 1513.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1369, HB 1402.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1029, HB 1110.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1029

Page 2, line 2, remove "compensation for services provided to the state and is"

Page 3, line 16, remove "compensation for"

Page 3, line 17, remove "services provided to the state and is"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1110

Page 2, line 18, replace "hundred" with "thousand"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1024, HB 1060, HB 1094, HB 1139, HB 1140, HB 1192, HB 1232, HB 1321, HB 1428, HB 1477, HCR 3011, HCR 3036.

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

MR. PRESIDENT: The House has passed unchanged: SB 2053, SB 2061, SB 2095, SB 2103, SB 2156, SB 2159, SB 2169, SB 2181, SB 2200, SB 2245, SB 2376, SB 2392.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, March 13, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2047, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2047 was placed on the Sixth order on the calendar.

Page 1, line 10, after the period insert "Any agency that accepts funds under this section shall maintain the positions as trained first responders. If the training requirement is eliminated, the agency shall return the funds to the department."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2157: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2157 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "seventeen" with "sixteen"

Page 1, line 8, after the underscored period insert "Any notification of a medical condition must be mailed to the donor and the donor's parent or guardian."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2168, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2168 was placed on the Sixth order on the calendar.

Page 4, line 21, overstrike "and" and insert immediately thereafter "or"

Page 5, line 2, overstrike "coroner's medical deputy" and insert immediately thereafter "assistant or deputy coroner"

Page 9, line 16, overstrike "examiner" and insert immediately thereafter "examiner's office"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2198, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2198 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2210, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (9 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2210 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2211, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2211 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2253: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2253 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2260: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2260 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2274: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2274 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2294, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2294 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2298, as engrossed: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2298 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2306, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2306 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2380, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2380 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2391: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and

BE REREFERRED to the **Appropriations Committee** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2391 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "nongovernmental" with "statewide marketing firm"

Page 1, line 12, remove "entity that provides alternatives-to-abortion services to conduct statewide marketing"

Page 2, line 3, overstrike "nongovernmental entity that provides alternatives-to-abortion" and insert immediately thereafter "statewide marketing firm to inform the public about this program."

Page 2, remove line 4

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2405, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2405 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "beginning" with "ending"

Page 1, line 15, replace "December 31, 2008" with "April 30, 2009"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2422, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (7 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2422 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2428, as engrossed: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2428 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4002: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4002 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4016: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4016 was placed on the Sixth order on the calendar.

Page 1, remove lines 11 and 12

Page 1, remove lines 15 through 17

Page 1, remove lines 20 through 22

Renumber accordingly

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

Buell J. Reich, Chief Clerk