

JOURNAL OF THE SENATE**Sixty-first Legislative Assembly**

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Bismarck, April 17, 2009

The Senate convened at 8:00 a.m., with President Dalrymple presiding.

The prayer was offered by Senator Terry Wanzek, District 29.

The roll was called and all members were present except Senators Bowman and Marcellais.

A quorum was declared by the President.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2237 as printed on SJ page 1250, which motion prevailed on a voice vote.

Engrossed SB 2237, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2237: A BILL for an Act to create and enact a new section to title 23 of the North Dakota Century Code, relating to a health care record registry.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Marcellais

Reengrossed SB 2237 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DEVER MOVED that the Senate do concur in the House amendments to SB 2324 as printed on SJ pages 1250-1251, which motion prevailed on a voice vote.

SB 2324, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2324: A BILL for an Act to create and enact a new subsection to section 16.1-01-04 of the North Dakota Century Code, relating to qualifications of electors; to amend and reenact subsection 1 of section 15.1-09-11, sections 16.1-01-09, 16.1-01-09.1, 16.1-02-01, 16.1-02-02, and 16.1-02-05, subsection 2 of section 16.1-02-06, sections 16.1-02-07, 16.1-02-10, 16.1-02-13, 16.1-03-03, 16.1-03-19, 16.1-05-01, and 16.1-05-02, subsection 3 of section 16.1-05-04, sections 16.1-05-06, 16.1-09-02, 16.1-10-04.1, 16.1-11-06, 16.1-13-32, 16.1-15-15, 16.1-15-16, 16.1-15-34, 16.1-16-01, and 40-09-03, subsection 1 of section 40-21-02, sections 40-21-07 and 44-08-21, and subsection 2 of section 57-40.6-02 of the North Dakota Century Code, relating to absentee ballot deadlines for schools, initiative petitions, recall petitions, central voter file, political party organization, appointment of election judges and poll clerks, voter affidavits, statement of interests, political advertising disclaimers, certificates of endorsement, candidate petitions, spoiled ballot retention, canvassing boards, recounts, and city elections; and to provide for a legislative council study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Seymour; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Lyson; Potter; Stenehjem

ABSENT AND NOT VOTING: Bowman; Marcellais

Engrossed SB 2324 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do concur in the House amendments to Engrossed SB 2402 as printed on SJ page 1251, which motion prevailed on a voice vote.

Engrossed SB 2402, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2402: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to the homestead credit; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Marcellais

Reengrossed SB 2402 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that for the Sixty-seventh legislative day Sen. Krebsbach replace Sen. Bowman on the Conference Committee on HB 1006, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that for the Sixty-seventh legislative day Sen. Holmberg replace Sen. Bowman on the Conference Committee on HB 1009, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that for the Sixty-seventh legislative day Sen. Grindberg replace Sen. Bowman on the Conference Committee on HB 1019, which motion prevailed.

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

MR. SPEAKER: The Senate has concurred in the House amendments and passed: SB 2237, SB 2324, and SB 2402.

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2198: Reps. Pietsch; Nathe; Conklin

SB 2401: Reps. Headland; N. Johnson; Mock

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1090 and HB 1540 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1090: Reps. Nathe; Damschen; Kilichowski

HB 1540: Reps. Hofstad; Damschen; Conklin

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

MR. SPEAKER: The President has appointed Sen. Krebsbach to replace Sen. Bowman for the Sixty-seventh legislative day on the Conference Committee on HB 1006.

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

MR. SPEAKER: The President has appointed Sen. Holmberg to replace Sen. Bowman for the Sixty-seventh legislative day on the Conference Committee on HB 1009.

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

MR. SPEAKER: The President has appointed Sen. Grindberg to replace Sen. Bowman for the Sixty-seventh legislative day on the Conference Committee on HB 1019.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1145, HB 1158.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1129.

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

MR. SPEAKER: Your signature is respectfully requested on: SCR 4034.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1418, HB 1487, HB 1549, HCR 3014.

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

MR. PRESIDENT: The Speaker has signed: SB 2035, SB 2040, SB 2041, SB 2042, SB 2089, SB 2090, SB 2099, SB 2112, SB 2121, SB 2216, SB 2222, SB 2224, SB 2239, SB 2247, SB 2305, SB 2317, SB 2342, SB 2350, SB 2352, SB 2394, SB 2404, SB 2413, SB 2417, SB 2431, SB 2432, SB 2433, SCR 4008, SCR 4016, SCR 4020, SCR 4021.

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

MR. PRESIDENT: The Speaker has signed: SCR 4034.

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

MR. SPEAKER: The President has signed: SCR 4034.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on April 17, 2009: SCR 4034.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 12:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Fischer presiding.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. CHRISTMANN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1012, Engrossed HB 1090, and Reengrossed HB 1540, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1012: Sens. Kilzer, Fischer, Warner

Engrossed HB 1090: Sens. Dever, Erbele, Pomeroy

Reengrossed HB 1540: Sens. J. Lee, Dever, Marcellais

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2004 as printed on SJ pages 1357-1358 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2004: Sens. Fischer, Kilzer, Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2009 as printed on SJ page 1370 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2009: Sens. Krebsbach, Bowman, Lindaas.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2018 as printed on SJ pages 1358-1365 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2018: Sens. Grindberg, Holmberg, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LYSON MOVED that the Senate do not concur in the House amendments to SCR 4035 as printed on SJ page 1375 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SCR 4035: Sens. Erbele, Freborg, Triplett.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DEVER MOVED that the Senate do not concur in the House amendments to Engrossed SB 2064 as printed on SJ pages 1333-1334 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2064: Sens. Dever, Oehlke, Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DEVER MOVED that the Senate do not concur in the House amendments to SB 2277 as printed on SJ page 1329 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2277: Sens. Dever, Krebsbach, Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DEVER MOVED that the Senate do not concur in the House amendments to SB 2311 as printed on SJ pages 1351-1352 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2311: Sens. Dever, Cook, Horne.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do concur in the House amendments to SB 2227 as printed on SJ page 1329, which motion prevailed on a voice vote.

SB 2227, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2227: A BILL for an Act to amend and reenact subsections 5 and 6 of section 43-12.2-01 and subsection 3 of section 43-12.2-03 of the North Dakota Century Code, relating to the medical loan repayment program; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Marcellais

Engrossed SB 2227 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. G. LEE MOVED that the Senate do concur in the House amendments to Reengrossed SB 2228 as printed on SJ page 1286, which motion prevailed on a voice vote.

Reengrossed SB 2228, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2228: A BILL for an Act to create and enact a new chapter to title 17 of the North Dakota Century Code, relating to the creation of a biofuel blender pump incentive fund; to amend and reenact sections 19-10-19, 19-10-20, and 19-10-21 of the North Dakota Century Code, relating to petroleum products; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Christmann; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Cook; Holmberg; Stenehjem

ABSENT AND NOT VOTING: Bowman; Marcellais

Reengrossed SB 2228 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do concur in the House amendments to Reengrossed SB 2244 as printed on SJ pages 1329-1330, which motion prevailed on a voice vote.

Reengrossed SB 2244, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act to amend and reenact paragraph 2 of subdivision b of subsection 15 of section 57-02-08 and subsection 4 of section 57-02-27.2 of the North Dakota Century Code, relating to continuation of the farm residence exemption for the surviving spouse of a deceased farmer and the capitalization rate for valuation of agricultural property; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Potter; Schneider; Seymour; Stenehjem; Triplett; Wanzek; Wardner; Warner

NAYS: Krauter; Miller; O'Connell; Robinson; Taylor

ABSENT AND NOT VOTING: Bowman; Marcellais

Reengrossed SB 2244 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. FIEBIGER MOVED that the conference committee report on SB 2116 as printed on SJ page 1378 be adopted, which motion prevailed on a voice vote.

SB 2116, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2116: A BILL for an Act to create and enact subsection 8 to section 12-47-21 and a new subsection to section 12-47-36 of the North Dakota Century Code, relating to wireless electronic communications devices on or within premises under the control of the department of corrections and rehabilitation and records of offenders; to amend and reenact subsection 7 of section 12-47-21 of the North Dakota Century Code, relating to the definition of contraband; to repeal section 12-47-38 of the North Dakota Century Code, relating to contracting with county jails to house female prisoners; to provide a penalty; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebigier; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Marcellais

Engrossed SB 2116 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SCHNEIDER MOVED that the conference committee report on SB 2114 as printed on SJ page 1378 be adopted, which motion prevailed on a voice vote.

SB 2114, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2114: A BILL for an Act to create and enact subsection 8 to section 12-44.1-21 of the North Dakota Century Code, relating to wireless electronic devices on or within correctional facilities; to amend and reenact section 12-44.1-06 and subsection 7 of section 12-44.1-21 of the North Dakota Century Code, relating to grades of correctional facilities and the definition of contraband; to provide a penalty; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebigier; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Marcellais

Engrossed SB 2114 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. DEVER MOVED that the conference committee report on Engrossed SB 2098 as printed on SJ page 1378 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WANZEK MOVED that the conference committee report on Engrossed HB 1308 as printed on SJ page 1378 be adopted, which motion prevailed on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that the order of the conferees on SB 2060 be Sen. Andrist, Sen. Nodland, Sen. Potter, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that Sen. Krauter replace Sen. Pomeroy on the Conference Committee on SB 2391, which motion prevailed.

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

MR. SPEAKER: The Senate concurred in the House amendments and passed: SB 2227, SB 2228, and SB 2244.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2004, SB 2009, SB 2018, SB 2064, SB 2277, SB 2311, and SCR 4035 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2004: Sens. Fischer; Kilzer; Mathern
SB 2009: Sens. Krebsbach; Bowman; Lindaas
SB 2018: Sens. Grindberg; Holmberg; Robinson
SB 2064: Sens. Dever; Oehlke; Nelson
SB 2277: Sens. Dever; Krebsbach; Nelson
SB 2311: Sens. Dever; Cook; Horne
SCR4035: Sens. Erbele; Freborg; Triplett

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2001: Reps. DeKrey; Thoreson; S. Meyer
SB 2002: Reps. Kempenich; Berg; Kaldor
SB 2003: Reps. Skarphol; Martinson; Williams
SB 2006: Reps. Dosch; Thoreson; S. Meyer
SB 2008: Reps. Dosch; Berg; Glassheim
SB 2011: Reps. Thoreson; Dosch; Glassheim
SB 2013: Reps. Kempenich; Dosch; S. Meyer
SB 2014: Reps. Thoreson; Berg; Kaldor
SB 2015: Reps. Wieland; Pollert; Metcalf
SB 2016: Reps. Klein; Wald; Kroeber
SB 2017: Reps. Nelson; Kreidt; Kerzman
SB 2019: Reps. Hawken; Klein; Kroeber
SB 2020: Reps. Skarphol; Hawken; Onstad
SB 2021: Reps. Thoreson; Dosch; Glassheim
SB 2022: Reps. Klein; Hawken; Williams
SB 2023: Reps. Berg; Thoreson; S. Meyer
SB 2024: Reps. Berg; Kempenich; S. Meyer
SB 2030: Reps. Wieland; Pollert; Metcalf
SB 2069: Reps. Thoreson; Berg; Glassheim
SB 2075: Reps. Kreidt; Nelson; Metcalf

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2201: Reps. Belter; Skarphol; Pinkerton
SB 2225: Reps. Berg; Kempenich; Kaldor
SB 2333: Reps. Pollert; Weisz; Ekstrom

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1394.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1018, HB 1235, and HB 1304 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1018: Reps. Wald; Hawken; Onstad

HB 1235: Reps. Belter; Drovdal; S. Kelsh

HB 1304: Reps. Skarphol; Drovdal; Williams

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1012: Sens. Kilzer; Fischer; Warner

HB 1090: Sens. Dever; Erbele; Pomeroy

HB 1540: Sens. J. Lee; Dever; Marcellais

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

MR. SPEAKER: The President has appointed Sen. Krauter to replace Sen. Pomeroy on the Conference Committee on SB 2391.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: SB 2098.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2114, SB 2116.

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

MR. PRESIDENT: The House has adopted the conference committee report on: HB 1322.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1059.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1308.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 4:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Fischer presiding.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. CHRISTMANN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Reengrossed HB 1235, Reengrossed HB 1304, and Reengrossed HB 1324, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Reengrossed HB 1235: Sens. Oehlke, Cook, Triplett

Reengrossed HB 1304: Sens. Cook, Miller, Dotzenrod

Reengrossed HB 1324: Sens. Miller, Cook, Anderson

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2199 as printed on SJ pages 1281-1284 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2199: Sens. Cook, Hogue, Anderson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FLAKOLL MOVED that the Senate do concur in the House amendments to Reengrossed SB 2438 as printed on SJ pages 1251-1253, which motion prevailed on a voice vote.

Reengrossed SB 2438, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2438: A BILL for an Act to create and enact two new sections to chapter 4-01 of the North Dakota Century Code, relating to the promotion of sustainably grown agricultural commodities; to provide a continuing appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 21 YEAS, 21 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lyson; Miller; Nodland; Oehlke; Olafson; Stenehjem; Wanzek; Wardner

NAYS: Anderson; Bakke; Behm; Dotzenrod; Fiebiger; Grindberg; Heckaman; Horne; Krauter; Lindaas; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Warner

ABSENT AND NOT VOTING: Bowman; Flakoll; Lee, J.; Marcellais; Nothing

Reengrossed SB 2438 lost.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DEVER MOVED that the Senate do concur in the House amendments to Engrossed SB 2353 as printed on SJ page 1330, which motion prevailed on a voice vote.

Engrossed SB 2353, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2353: A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 44-08-04 of the North Dakota Century Code, relating to state officer and employee lodging reimbursement.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 5 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Krebsbach; Lee, G.; Lindaas; Lyson; Miller; Nelson; Nodland; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Christmann; Klein; Krauter; Mathern; O'Connell

ABSENT AND NOT VOTING: Bowman; Flakoll; Lee, J.; Marcellais; Nothing

Reengrossed SB 2353 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do concur in the House amendments to Engrossed SB 2338 as printed on SJ page 1352, which motion prevailed on a voice vote.

Engrossed SB 2338, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2338: A BILL for an Act to amend and reenact section 57-43.2-19 of the North Dakota Century Code, relating to deposit of special fuels excise taxes paid by railroads in a special fund; to provide an appropriation; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 23 YEAS, 19 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bakke; Behm; Cook; Dotzenrod; Fiebiger; Hogue; Horne; Kilzer; Krebsbach; Lee, G.; Lyson; Mathern; Nodland; Oehlke; Potter; Robinson; Schneider; Seymour; Triplett; Wanzek; Wardner; Warner

NAYS: Anderson; Christmann; Dever; Erbele; Fischer; Freborg; Grindberg; Heckaman; Holmberg; Klein; Krauter; Lindaas; Miller; Nelson; O'Connell; Olafson; Pomeroy; Stenehjem; Taylor

ABSENT AND NOT VOTING: Bowman; Flakoll; Lee, J.; Marcellais; Nothing

Reengrossed SB 2338 lost.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: The Senate has concurred in the House amendments and passed: SB 2353.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: The Senate has concurred in the House amendments and failed to pass: SB 2338 and SB 2438.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2199 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2199: Sens. Cook; Hogue; Anderson

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1235: Sens. Oehlke; Cook; Triplett
HB 1304: Sens. Cook; Miller; Dotzenrod
HB 1324: Sens. Miller; Cook; Anderson

MOTION

SEN. CHRISTMANN MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Friday, March 20, 2009, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2028: Your conference committee (Sens. Lyson, Olafson, Nelson and Reps. Nelson, Wieland, Kerzman) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1166-1167 and place SB 2028 on the Seventh order.

SB 2028 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2163, as engrossed: Your conference committee (Sens. Oehlke, Dever, Nelson and Reps. Boehning, Dahl, Wolf) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 771, adopt amendments as follows, and place SB 2163 on the Seventh order:

That the House recede from its amendments as printed on page 771 of the Senate Journal and page 892 of the House Journal and that Engrossed Senate Bill No. 2163 be amended as follows:

Page 2, line 14, after "Dakota" insert "without first applying for and securing a permit from the director"

Page 4, line 24, after "enforcement" insert "and other agencies considered appropriate for investigative purposes by the division. The enforcement agency is responsible for maintaining the disposition of the case and periodically shall review the case with the reporting party and the division to ensure all available information is included and to determine the current status of the case. As used in this subsection, "individual" means an individual who is eighteen years of age or older."

6. Provide prompt confirmation of the receipt and entry of the lost or missing individuals report into the file system to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection 7.
7. If any parent, guardian, or identified family member is unable to receive services from the local law enforcement agency, allow the parent, guardian, or identified family member to submit a lost or missing individuals report to the division which must be included in the division file system and transmitted to the national crime information center.
8. Compile and maintain a historical data repository relating to lost or missing individuals for the following purposes:
 - a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of lost or missing individuals; and
 - b. To provide a factual and statistical base for research that addresses the problem of lost or missing individuals"

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2171, as reengrossed: Your conference committee (Sens. Olafson, Nething, Fiebigger and Reps. Dahl, Kingsbury, Delmore) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 891-892 and place SB 2171 on the Seventh order.

Reengrossed SB 2171 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2251: Your conference committee (Sens. Oehlke, Dever, Horne and Reps. Froseth, Boehning, Amerman) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 952, adopt amendments as follows, and place SB 2251 on the Seventh order:

That the House recede from its amendments as printed on page 952 of the Senate Journal and page 1029 of the House Journal and that Senate Bill No. 2251 be amended as follows:

Page 2, line 9, after "~~forty-five~~" insert "seventy-five dollars but not more than"

Page 2, line 10, after "hundred" insert "thirty-five"

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2270, as engrossed: Your conference committee (Sens. Cook, Oehlke, Horne and Reps. Hatlestad, Pietsch, Zaiser) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1030, adopt amendments as follows, and place SB 2270 on the Seventh order:

That the House recede from its amendments as printed on page 1030 of the Senate Journal and pages 1014 and 1015 of the House Journal and that Engrossed Senate Bill No. 2270 be amended as follows:

Page 1, line 2, after "districts" insert "; and to declare an emergency"

Page 1, line 12, replace "thirty" with "twenty-five"

Page 2, after line 9, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

HB 1059, as engrossed: Your conference committee (Sens. Andrist, J. Lee, Anderson and Reps. Grande, Froseth, Wolf) recommends that the **SENATE RECEDE** from the Senate

amendments on HJ page 1004, adopt amendments as follows, and place HB 1059 on the Seventh order:

That the Senate recede from its amendments as printed on page 1004 of the House Journal and page 774 of the Senate Journal and that Engrossed House Bill No. 1059 be amended as follows:

Page 1, line 3, after "commission" insert "; and to provide a continuing appropriation"

Page 1, line 19, after "**duties**" insert "**- Continuing appropriation**"

Page 1, line 23, after the period insert "The commission may accept gifts, grants, donations, and services from any source which are appropriated on a continuing basis for the purposes of the commission."

Renumber accordingly

Engrossed HB 1059 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1129, as engrossed: Your conference committee (Sens. Andrist, Olafson, Dotzenrod and Reps. Koppelman, Pietsch, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 888-889, adopt amendments as follows, and place HB 1129 on the Seventh order:

That the Senate recede from its amendments as printed on pages 888 and 889 of the House Journal and pages 673 and 674 of the Senate Journal and that Engrossed House Bill No. 1129 be amended as follows:

Page 1, line 2, remove "and"

Page 1, line 3, after "counties" insert "; to provide for a legislative council study; and to declare an emergency"

Page 2, line 14, overstrike "three" and insert immediately thereafter "five"

Page 4, after line 2, insert:

"SECTION 4. LEGISLATIVE COUNCIL STUDY - AUDITS OF POLITICAL SUBDIVISIONS. During the 2009-10 interim, the legislative council shall study the structure and requirements of the state auditor's office necessary to carry out its auditing of political subdivisions, as required by law, including how such audits should be adequately self-funded. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-second legislative assembly.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1129 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1145, as engrossed: Your conference committee (Sens. Dever, Erbele, Heckaman and Reps. Hofstad, Frantsovog, Kilichowski) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 888 and place HB 1145 on the Seventh order.

Engrossed HB 1145 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1158, as engrossed: Your conference committee (Sens. Olafson, Nething, Schneider and Reps. Kingsbury, Boehning, Griffin) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 805, adopt amendments as follows, and place HB 1158 on the Seventh order:

That the Senate recede from its amendments as printed on page 805 of the House Journal and pages 596 and 597 of the Senate Journal and that Engrossed House Bill No. 1158 be amended as follows:

Page 1, line 1, remove "subsection 1 of"

Page 1, line 5, replace "Subsection 1 of section" with "Section"

Page 1, after line 6, insert:

"26.1-40-18. Automobile warranties construed."

Page 1, after line 10, insert:

- "2. The policy must be issued by an insurer licensed, registered, or otherwise authorized to do business in this state. From the time the policy is filed with the commissioner:
 - a. The insurer shall maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file copies of the insurer's audited financial statements, the national association of insurance commissioners annual statement, and the actuarial certification required by and filed in the insurer's state of domicile; or
 - b. The insurer shall maintain surplus as to policyholders and paid-in capital of between fifteen million dollars and ten million dollars, demonstrate to the satisfaction of the commissioner that the company maintains a ratio of net written premiums, wherever written, to surplus as to policyholders and paid-in capital of not greater than three to one, and annually file copies of the insurer's audited financial statements, the national association of insurance commissioners annual statement, and the actuarial certification required by and filed in the insurer's state of domicile.
3. This section does not apply to an original equipment manufacturer."

Renumber accordingly

Engrossed HB 1158 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1322, as reengrossed: Your conference committee (Sens. Lyson, Erbele, Pomeroy and Reps. Damschen, Keiser, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 919 and place HB 1322 on the Seventh order.

Reengrossed HB 1322 was placed on the Seventh order of business on the calendar.

The Senate stood adjourned pursuant to Senator Christmann's motion.

Fran A. Gronberg, Secretary

