

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, March 20, 2009

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

The prayer was offered by Pastor Arie Bertsch, St. Paul's Lutheran Church, Minot, Lynch Immanuel Lutheran, Glenburn and St. Peter's Lutheran, Sawyer.

The roll was called and all members were present except Representatives Bellew, Hawken, Headland, Metcalf, Nelson, Nottestad, Schmidt, Svedjan, Thoreson, and Weiler.

A quorum was declared by the Speaker.

MOTION

REP. CARLSON MOVED that the House stand in recess until 1:30 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Monson presiding.

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to Engrossed SB 2098, Engrossed SB 2152, Engrossed SB 2192, SB 2195, SB 2218, Engrossed SB 2232, and Engrossed SB 2270.

Engrossed SB 2098, Engrossed SB 2152, Engrossed SB 2192, SB 2195, SB 2218, Engrossed SB 2232, and Engrossed SB 2270, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGESAA MOVED that Engrossed SB 2087, which is on the Fourteenth order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2087 was rereferred.

MOTION

REP. VIGESAA MOVED that SB 2060, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

MOTION

REP. VIGESAA MOVED that SB 2161 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2161: A BILL for an Act to create and enact two new sections to chapter 12-60 of the North Dakota Century Code, relating to lost, missing, or runaway children.

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 83 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Heller; Hofstad; Holman; Hunsakor; 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; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Hawken; Headland; Metcalf; Nelson; Nottestad; Schmidt; Svedjan; Thoreson; Weiler; Williams

SB 2161, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2427: A BILL for an Act to create and enact a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to allowance of the income tax credit on the form ND-1 income tax return for installation of geothermal energy devices; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 65 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Boe; Boucher; Delmore; Ekstrom; Griffin; Kelsh, S.; Kerzman; Kroeber; Meyer, S.; Mock; Mueller; Myxter; Onstad; Potter; Schneider; Vig; Wolf; Zaiser

NAYS: Amerman; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froelich; Froseth; Glassheim; Grande; Gruchalla; Hanson; Hatlestad; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Nathe; Pietsch; Pinkerton; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Thorpe; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Winrich; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Hawken; Headland; Metcalf; Nelson; Nottestad; Schmidt; Svedjan; Thoreson; Weiler; Williams

Engrossed SB 2427 lost.

SECOND READING OF SENATE BILL

SB 2439: A BILL for an Act to amend and reenact subsection 1 of section 5-01-09 of the North Dakota Century Code, relating to the penalty for unlawful delivery of alcohol to certain persons.

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 15 YEAS, 68 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Glassheim; Gruchalla; Hanson; Holman; Hunskor; Kaldor; Kelsh, S.; Kilichowski; Koppelman; Mueller; Potter; Ruby; Thorpe; Vigesaa; Wolf

NAYS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Grande; Griffin; Hatlestad; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Myxter; Nathe; Onstad; Pietsch; Pinkerton; Pollert; Porter; Rust; Schatz; Schneider; Skarphol; Sukut; Uglem; Vig; Wald; Wall; Weisz; Wieland; Winrich; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Hawken; Headland; Metcalf; Nelson; Nottestad; Schmidt; Svedjan; Thoreson; Weiler; Williams

Engrossed SB 2439 lost.

SECOND READING OF SENATE BILL

SB 2101: A BILL for an Act to amend and reenact subsection 6 of section 52-04-05 and subsection 2 of section 52-04-06 of the North Dakota Century Code, relating to rounding of calculations for employer unemployment compensation contribution rates.

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 83 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Heller; Hofstad; Holman; Hunskor; 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; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Hawken; Headland; Metcalf; Nelson; Nottestad; Schmidt; Svedjan; Thoreson; Weiler; Williams

SB 2101, as amended, passed and the title was agreed to.

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 subsection 7 of section 12-44.1-21 of the North Dakota Century Code, relating to 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, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Heller; Hofstad; Holman; Hunskor; 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; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Hawken; Headland; Metcalf; Nelson; Nottestad; Schmidt; Svedjan; Thoreson; Weiler; Williams

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

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, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad;

Heller; Hofstad; Holman; Hunskor; 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; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Hawken; Headland; Metcalf; Nelson; Nottestad; Schmidt; Svedjan; Thoreson; Weiler; Williams

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

SECOND READING OF SENATE BILL

SB 2129: A BILL for an Act to create and enact a new section to chapter 54-63 of the North Dakota Century Code, relating to definitions; to amend and reenact subsection 5 of section 54-44.4-02, subsection 2 of section 54-60.1-01, and sections 54-63-01 and 54-63-03 of the North Dakota Century Code, relating to the renewable energy program; and to repeal sections 54-17-38 and 54-17-39 of the North Dakota Century Code, relating to the biomass incentive and research program.

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 79 YEAS, 4 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Amerman; 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; Hofstad; Holman; Hunskor; 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; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Rust; Schatz; Schneider; Sukut; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Delzer; Heller; Ruby; Skarphol

ABSENT AND NOT VOTING: Bellew; Hawken; Headland; Metcalf; Nelson; Nottestad; Schmidt; Svedjan; Thoreson; Weiler; Williams

Engrossed SB 2129, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2171: A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to the termination of a residential lease by a victim of domestic violence.

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 83 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Heller; Hofstad; Holman; Hunskor; 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; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Hawken; Headland; Metcalf; Nelson; Nottestad; Schmidt; Svedjan; Thoreson; Weiler; Williams

Reengrossed SB 2171, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2222: A BILL for an Act to amend and reenact section 57-15-28 of the North Dakota Century Code, relating to discontinuance of county emergency fund levies.

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 83 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Heller; Hofstad; Holman; Hunskor; 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.; Meyer, S.; Mock; Mueller; Myxter; Nathe; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Hawken; Headland; Metcalf; Nelson; Nottestad; Schmidt; Svedjan; Thoreson; Weiler; Williams

SB 2222, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2234: A BILL for an Act to amend and reenact section 47-19-02 of the North Dakota Century Code, relating to recording instruments without acknowledgement.

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 83 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Heller; Hofstad; Holman; Hunskor; 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.; Meyer, S.; Mock; Mueller; Myxter; Nathe; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Hawken; Headland; Metcalf; Nelson; Nottestad; Schmidt; Svedjan; Thoreson; Weiler; Williams

SB 2234, as amended, passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

SCR 4001: A concurrent resolution authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.

SCR 4002: A concurrent resolution directing the Legislative Council to study the state's workforce system, the feasibility and desirability of enacting legislation to address the issues identified in the 2007-08 interim Workforce Committee's consultant's report, and the implementation of workforce initiatives enacted by the Sixty-first Legislative Assembly.

SCR 4003: A concurrent resolution expressing support for the development of a balanced national immigration policy and urging Congress to work to develop an immigration

policy that protects and preserves the safety and interests of the United States and its citizens while also recognizing the needs of businesses to have a stable and legal supply of workers.

SCR 4006: A concurrent resolution directing the Legislative Council to study professional development opportunities for teachers and the most effective and efficient methods of providing professional development opportunities.

SCR 4009: A concurrent resolution directing the Legislative Council to study the adequacy of governmental services, including judicial services, to respond to issues related to an aging population, including veterans, and to study the efficacy of statutes governing public administrator services and methods for the timely and effective delivery of guardianship services.

SCR 4016: A concurrent resolution urging the Congress of the United States and the President to enact federal legislation promoting travel to the United States by overseas visitors, thereby promoting the economies of communities across North Dakota and the United States.

SCR 4019: A concurrent resolution urging Congress to examine carefully the known and potential impacts of implementing a national animal identification system.

SCR 4020: A concurrent resolution urging Congress to preserve the exemption of hydraulic fracturing from the provisions of the Safe Drinking Water Act and to not enact legislation that removes the exemption for hydraulic fracturing.

SCR 4021: A concurrent resolution urging Congress to recognize the need for United States Department of Agriculture inspection and regulation of horse processing facilities in the United States.

SCR 4022: A concurrent resolution urging Congress and the President of the United States to enact federal legislation to repeal perverse federal tax subsidies to United States companies that move manufacturing operations and American jobs offshore.

SCR 4026: A concurrent resolution commemorating the 100th anniversary of the Boy Scouts of America.

SCR 4028: A concurrent resolution directing the Legislative Council to study the charitable gaming laws to determine whether the laws regarding taxation, limitations, enforcement, conduct, and play of charitable gaming are fair, adequate, and appropriate.

The question being on the final adoption of the resolutions, which have been read.

SCR 4001, SCR 4002, SCR 4003, SCR 4006, SCR 4009, SCR 4016, SCR 4019, SCR 4020, SCR 4021, SCR 4022, SCR 4026, and SCR 4028 were declared adopted on a voice vote, and the titles were agreed to.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1109, HB 1159, HB 1176, HB 1234, HB 1272, HB 1386, HB 1413, HB 1484, HB 1491, HB 1505, HB 1525, HB 1575, HCR 3020, HCR 3051.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2214, SB 2236, SB 2265, SB 2269, SB 2289, SB 2297, SB 2322, SB 2357, SB 2368, SB 2378.

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

MR. PRESIDENT: The Speaker has signed: SB 2214, SB 2236, SB 2265, SB 2269, SB 2289, SB 2297, SB 2322, SB 2357, SB 2368, SB 2378.

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

MR. PRESIDENT: The House has passed unchanged: SB 2366, SCR 4001, SCR 4002, SCR 4003, SCR 4006, SCR 4009, SCR 4019, SCR 4022, SCR 4026, SCR 4028.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2101, SB 2129, SB 2161, SB 2171, SB 2222, SB 2234, SB 2248, SCR 4016, SCR 4020, SCR 4021.

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 2114, SB 2116.

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

MR. PRESIDENT: The House has failed to pass unchanged: SB 2427, SB 2439.

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

MR. SPEAKER: The President has signed: HB 1024, HB 1027, HB 1048, HB 1060, HB 1064, HB 1094, HB 1101, HB 1130, HB 1135, HB 1139, HB 1140, HB 1153, HB 1192, HB 1223, HB 1232, HB 1257, HB 1277, HB 1291, HB 1296, HB 1321, HB 1340, HB 1345, HB 1367, HB 1402, HB 1420, HB 1428, HB 1460, HB 1477, HB 1497, HB 1566, HCR 3011, HCR 3036.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1302.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1014.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1014

Page 1, line 12, replace "288,285" with "674,391" and replace "4,341,801" with "4,727,907"

Page 1, line 13, replace "(265,692)" with "(152,726)" and replace "2,874,537" with "2,987,503"

Page 1, line 14, replace "553,977" with "827,117" and replace "1,467,264" with "1,740,404"

Page 1, line 15, replace "0.00" with "1.00" and replace "27.50" with "28.50"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98015.0301 FN 1

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

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., Monday, March 23, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2125: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2125 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second comma insert "and" and remove "4-09-17,"

Page 1, line 3, remove "4-10-14,"

Page 1, line 4, replace the comma with "and the"

Page 1, line 5, remove ", and seed labelers"

Page 3, remove lines 14 through 25

Page 4, remove lines 15 through 25

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2165, as engrossed: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2165 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to

provisional hunting licenses; and to amend and reenact section 20.1-03-01.1 and subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to hunting licenses and requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-01.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-01.1. Director to appoint and train instructors - Prescribe course material and classroom sites - Certify completion. The director shall provide classroom instruction on, and shall select, train, and certify persons or department personnel qualified to provide instruction on, firearms and bow safety and hunter responsibility, and shall prescribe the course material to be used, classroom locations, and the dates for teaching the course in this state. The director also shall provide an online internet hunter safety education program for individuals age sixteen and over to complete the hunter safety education requirement. The director shall authorize the issuance of a certificate of completion to all persons satisfactorily completing the course.

SECTION 2. AMENDMENT. Subsection 1 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~No person shall~~ An individual may not hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal ~~shall~~ must be issued as an integral part of the big game hunting license. ~~No person~~ Except as otherwise provided in this subsection, an individual may not apply for or be issued a big game hunting license if that ~~person's~~ individual's fourteenth birthday does not occur on or before the opening date of the respective big game hunting season. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section ~~shall be~~ is a distinct and separate offense. The following provisions govern youth deer hunting:
 - a. An individual whose twelfth birthday occurs on or before the opening date of the youth deer hunting season but is younger than sixteen years of age may participate in a youth season once in a lifetime;
 - b. An individual whose twelfth birthday occurs on or before the opening date of the youth deer hunting season but is younger than fourteen years of age may participate only in the youth deer hunting season; and
 - c. An individual whose fourteenth birthday occurs on or before the opening date of the youth deer hunting season but is younger than sixteen years of age must participate in the regular deer gun lottery and, subject to subdivision a, may use that license for either the youth deer hunting season or the regular deer gun season.

SECTION 3. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Provisional license for residents over eighteen years of age. The director shall establish a provisional license for residents over eighteen years of age who have not completed the hunter safety education program under sections 20.1-03-01.1 and 20.1-03-01.2. A provisional license issued under this section entitles an individual to hunt small game and deer during any one season. An individual hunting with a provisional license issued under this section may hunt only under the direct supervision of an individual over eighteen years of age who has completed the hunter safety education program under sections 20.1-03-01.1 and 20.1-03-01.2 or has purchased a license to hunt within the previous year. The director may not charge a fee for a provisional license issued under this section."

REPORT OF STANDING COMMITTEE

SB 2191: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2191 was placed on the Sixth order on the calendar.

Page 1, line 20, after "all" insert "real"

Page 1, line 21, replace "county" with "city"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2243: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2243 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "official, deputy, clerk, or assistant"

Page 1, line 6, after the first underscored comma insert "automated clearinghouse,"

Page 1, line 7, replace "charged by" with ", exchange fee, or other fee incurred by the county"

Page 1, line 8, remove "the credit card issuer"

Page 1, line 10, after "cards" insert "or other payment methods"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2251: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2251 was placed on the Sixth order on the calendar.

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

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2359, as engrossed: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2359 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "11-11-05" insert ", 11-28-01, 11-28-02, 11-28-03, and 11-28-04"

Page 1, line 2, after "meetings" insert "and the board of county park commissioners"

Page 1, after line 16, insert:

"SECTION 2. AMENDMENT. Section 11-28-01 of the North Dakota Century Code is amended and reenacted as follows:

11-28-01. Board of county park commissioners - Appointment by county commissioners - Number. ~~The members of the board of county commissioners and shall establish a five-member to seven-member board of county park commissioners consisting of at least two members of the county commission and at least two resident citizens of the county appointed by the board of county commissioners shall constitute the board of county park commissioners.~~

SECTION 3. AMENDMENT. Section 11-28-02 of the North Dakota Century Code is amended and reenacted as follows:

11-28-02. Eligibility for appointment - Term - Vacancy - Compensation. Any resident citizen of the county, including county, city, and township officers, is

eligible for appointment to the board of county park commissioners. Each appointed county park commissioner shall hold office for a term of three years, or until a successor is appointed and qualified. Any vacancy in the board must be filled for the unexpired term by appointment by the board of county commissioners as soon as practicable. Each member of the county park board is entitled to receive the same compensation for services for each day actually engaged in the performance of the duties of the office as that paid a county commissioner but not to exceed a total of twenty-four days in any one year, and is entitled to reimbursement for actual necessary expenses incurred in the performance of the member's duties. ~~The Unless otherwise agreed upon, the board of county park commissioners shall meet at the time of the regular meetings of the board of county commissioners upon the order of the chairman, and appointed members only are entitled to compensation for attendance at the concurrent meetings.~~

SECTION 4. AMENDMENT. Section 11-28-03 of the North Dakota Century Code is amended and reenacted as follows:

11-28-03. County auditor, county treasurer, and state's attorney shall serve board. The county auditor or other official designated by the board shall serve as secretary of the board of county park commissioners and the county treasurer shall serve as treasurer of the board and custodian of all its funds from whatever source received. Such funds shall be placed in a separate fund and shall not be diverted to any other use or purpose. The state's attorney of the county shall act as legal adviser to the board and shall prosecute and defend any and all actions brought by or against said board. Neither the county auditor nor official designee, the county treasurer, nor the state's attorney shall receive any additional compensation for acting in their respective capacities.

SECTION 5. AMENDMENT. Section 11-28-04 of the North Dakota Century Code is amended and reenacted as follows:

11-28-04. Organization of board - Quorum - Meetings. Within twenty days after the appointment of the board of county park commissioners, and within twenty days after any change in its personnel, the board shall meet ~~in the courthouse of the county~~ and shall organize by selecting one of its members as chairman. ~~Two-thirds of the members of the board shall constitute a quorum at any meeting thereof. One-half or more of the members constitutes a quorum of the board.~~ The board shall hold such meetings as may be required for the transaction of its business and activities. ~~Meetings shall~~ If the board decides to hold meetings at a time other than the time for regular meetings of the board of county commissioners, the board shall draft a schedule of regular meetings to be held throughout the year. The schedule must be filed with the county auditor and the meetings must be noticed in accordance with section 44-04-20. A special or emergency meeting may be called by the secretary upon the order of the chairman, or upon the ~~written~~ request of the majority of the board with notice provided in accordance with section 44-04-20. Such order or written request shall be entered on the minutes of the meeting so called. Notice of such meeting shall be delivered or mailed to each member at least five days prior to the date of the meeting. A meeting of the board may be called at any time by the chairman without notice and such meeting shall be legal and valid if attended by all members of the board.

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2401, as engrossed: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2401 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "study" with "consider studying"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2438, as reengrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2438 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on pages 945 and 946 of the House Journal, Reengrossed Senate Bill No. 2438 is amended as follows:

Page 1, line 1, replace "54-60" with "4-01"

Page 1, line 2, after the semicolon insert "to provide a continuing appropriation;"

Page 1, line 5, replace "54-60" with "4-01"

Page 1, line 9, replace "department of commerce" with "agriculture commissioner"

Page 1, line 11, replace "department" with "commissioner"

Page 1, line 13, replace "department's" with "commissioner's" and replace "department" with "commissioner"

Page 1, line 16, replace "department" with "commissioner"

Page 1, line 18, replace "department" with "commissioner"

Page 1, line 20, replace "department" with "commissioner"

Page 1, line 21, replace "department" with "commissioner"

Page 2, replace lines 1 through 5 with:

- "a. Increased efficiencies in soil and nutrient preservation;
- b. Decreased reliance on tillage and other soil-depleting practices;
- c. Increased efficiencies in the use of water;
- d. Increased efficiencies in the use of other necessary and measurable agricultural inputs;
- e. Increased yield efficiencies; and"

Page 2, line 7, replace "54-60" with "4-01"

Page 2, line 9, after "**Duties**" insert "- **Powers**"

Page 2, line 10, after "**Compensation**" insert "- **Continuing appropriation**"

Page 2, line 11, replace "department of commerce" with "agriculture commissioner"

Page 2, line 12, after the underscored period insert:

"a."

Page 2, line 13, replace "a." with "(1)"

Page 2, line 14, replace "b." with "(2)"

Page 2, line 16, replace "c." with "(3)" and replace "agriculture commissioner" with "commissioner of the department of commerce"

Page 2, line 17, replace "d." with "(4)"

Page 2, line 19, replace "e." with "(5)"

Page 2, line 21, replace "f." with "(6)"

Page 2, line 22, replace "g." with "(7)"

Page 2, after line 23, insert:

- "b. If both houses of the legislative assembly are controlled by the same party, the committee also must include one member of the legislative assembly from the minority party, appointed by the chairman of the legislative council."

Page 3, line 3, replace "department" with "commissioner"

Page 3, line 6, after "3." insert "The committee may accept gifts, grants, and donations of money, property, and services. All moneys received as gifts, grants, or donations are appropriated on a continuing basis to the agriculture commissioner for the purpose of carrying out this section.

4."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2204: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **DO PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2204 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2295: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2295 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4015, as engrossed: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4015 was placed on the Tenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Headland, Kasper, Koppelman, Nathe, Thoreson, Weiler introduced:
(Approved by the Delayed Bills Committee)

HCR 3063: A concurrent resolution affirming North Dakota's sovereignty under the 10th Amendment to the Constitution of the United States and to demand the federal government halt its practice of assuming powers and imposing mandates on the states for purposes not enumerated in the Constitution of the United States.

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

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

Buell J. Reich, Chief Clerk