

## JOURNAL OF THE SENATE

## Sixty-first Legislative Assembly

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Bismarck, April 21, 2009

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

The prayer was offered by Senator George Nodland, District 36.

The roll was called and all members were present except Senator Nelson.

A quorum was declared by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2359 be moved to the bottom of the Seventh order, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that Sen. Horne replace Sen. Nelson on the Conference Committees on HB 1490, HB 1554, HB 2027, HB 2064, and HB 2277, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2051 be moved to the top of the Twelfth order, which motion prevailed.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2051 as printed on SJ page 1351, which motion prevailed on a voice vote.

Engrossed SB 2051, as amended, was placed on the Eleventh order of business.

## SECOND READING OF SENATE BILL

**SB 2051:** A BILL for an Act to amend and reenact section 57-51.1-07.3 of the North Dakota Century Code, relating to oil and gas research fund deposits; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nelson

Reengrossed SB 2051 passed and the title was agreed to.

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## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. OLAFSON MOVED** that the conference committee report on Reengrossed SB 2171 as printed on SJ page 1395 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2171, as amended, was placed on the Eleventh order.

## 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, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nelson

Reengrossed SB 2171 passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. FIEBIGER MOVED** that the conference committee report on Engrossed SB 2421 as printed on SJ page 1408 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2421, as amended, was placed on the Eleventh order.

#### **SECOND READING OF SENATE BILL**

**SB 2421:** A BILL for an Act to amend and reenact subsections 7 and 8 of section 25-03.1-02 and section 25-03.1-11 of the North Dakota Century Code, relating to emergency procedures for mental health commitments; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nelson

Reengrossed SB 2421 passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. SCHNEIDER MOVED** that the conference committee report on Reengrossed SB 2415 as printed on SJ page 1408 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2415, as amended, was placed on the Eleventh order.

#### **SECOND READING OF SENATE BILL**

**SB 2415:** A BILL for an Act to amend and reenact section 62.1-04-03 of the North Dakota Century Code, relating to a reciprocal licensure and classification system to carry a firearm or dangerous weapon concealed; to provide an effective date; and to provide application.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nelson

Reengrossed SB 2415 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. NETHING MOVED** that the conference committee report on SB 2293 as printed on SJ page 1408 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. NODLAND MOVED** that the conference committee report on Engrossed HB 1301 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 HB 1202 as printed on SJ page 1378 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. DEVER MOVED** that the conference committee report on Engrossed HB 1145 as printed on SJ page 1396 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. WARDNER MOVED** that the conference committee report on Engrossed HB 1021 as printed on SJ page 1408 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ERBELE MOVED** that the conference committee report on HB 1437 as printed on SJ page 1411 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ERBELE MOVED** that the conference committee report on HB 1329 as printed on SJ page 1379 be adopted, which motion prevailed on a voice vote.

HB 1329, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1329:** A BILL for an Act to create and enact a new subsection to section 14-09-09.3 of the North Dakota Century Code, relating to the duties and liabilities of an income payer; to amend and reenact section 14-09-09.7 of the North Dakota Century Code, relating to the child support guidelines; and to provide an agency directive.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nelson

HB 1329, as amended, passed and the title was agreed to.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2443.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2443**

Page 1, line 8, after "of" insert "state"

Page 1, line 12, remove ", to the extent possible" and after the second underscored comma insert "if allowed by federal law."

Page 1, line 13, replace ", and the" with ". The"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and passed: SB 2051.

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

**MR. SPEAKER:** The President has appointed Sen. Horne to replace Sen. Nelson on the Conference Committee on HB 1490.

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

**MR. SPEAKER:** The President has appointed Sen. Horne to replace Sen. Nelson on the Conference Committee on HB 1554.

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

**MR. SPEAKER:** The President has appointed Sen. Horne to replace Sen. Nelson on the Conference Committee on SB 2027.

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

**MR. SPEAKER:** The President has appointed Sen. Horne to replace Sen. Nelson on the Conference Committee on SB 2064.

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

**MR. SPEAKER:** The President has appointed Sen. Horne to replace Sen. Nelson on the Conference Committee on SB 2277.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: SB 2293.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1021, HB 1145, HB 1202, HB 1301, HB 1437.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2171, SB 2415, SB 2421.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1329.

**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 1039, HB 1194.

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

**MR. SPEAKER:** The President has signed: HB 1112, HB 1162, HB 1286, HB 1333, HB 1370, HB 1459, HB 1496.

**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 Dalrymple presiding.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2441 as printed on SJ page 1365, which motion prevailed on a voice vote.

Engrossed SB 2441, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2441:** A BILL for an Act to amend and reenact section 40-23-07 of the North Dakota Century Code, relating to treatment of nonprofit cemetery property for special assessment purposes; to provide a statement of legislative intent; to provide an effective 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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Stenehjem

**ABSENT AND NOT VOTING:** Nelson

Reengrossed SB 2441 passed, the title was agreed to, and the emergency clause was declared carried.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ANDRIST MOVED** that the conference committee report on Engrossed HB 1129 as printed on SJ page 1396 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1129, as amended, was placed on the Fourteenth order.

#### **SECOND READING OF HOUSE BILL**

**HB 1129:** A BILL for an Act to amend and reenact sections 54-10-14 and 54-10-19 of the North Dakota Century Code, relating to audits of political subdivisions; to repeal section 54-10-18 of the North Dakota Century Code, relating to records and fiscal affairs of counties; to provide for a legislative council study; 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, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Mathern

**ABSENT AND NOT VOTING:** Nelson

Engrossed HB 1129, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LYSON MOVED** that the conference committee report on Reengrossed HB 1322 as printed on SJ page 1397 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1322, as amended, was placed on the Fourteenth order.

#### **SECOND READING OF HOUSE BILL**

**HB 1322:** A BILL for an Act to create and enact a new chapter to title 17 of the North Dakota Century Code, relating to an energy policy commission; to provide for a water resources study; and to provide for a legislative council study.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nelson

Reengrossed HB 1322 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. OLAFSON MOVED** that the conference committee report on Engrossed HB 1158 as printed on SJ pages 1396-1397 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1158, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

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

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nelson

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

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ANDRIST MOVED** that the conference committee report on Engrossed HB 1059 as printed on SJ pages 1395-1396 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1059, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1059:** A BILL for an Act to amend and reenact sections 54-36-01 and 54-36-03 of the North Dakota Century Code, relating to the members and the powers and duties of the Indian affairs commission; and to provide a continuing 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nelson

Engrossed HB 1059, as amended, passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. HOGUE MOVED** that the conference committee report on Engrossed HB 1239 as printed on SJ page 1410, which motion prevailed on a voice vote.

Engrossed HB 1239, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1239:** A BILL for an Act to amend and reenact section 20.1-01-17 of the North Dakota Century Code, relating to posting of lands to prohibit hunting; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebigier; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg;

Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Nelson

Engrossed HB 1239, as amended, passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KLEIN MOVED** that the conference committee report on HB 1330 as printed on SJ page 1411 be adopted, which motion prevailed on a voice vote.

HB 1330, as amended, was placed on the Fourteenth order.

#### **SECOND READING OF HOUSE BILL**

**HB 1330:** A BILL for an Act to amend and reenact sections 43-03-01, 43-03-02, 43-03-03, 43-03-04, 43-03-05, 43-03-06, 43-03-08, 43-03-09, 43-03-10, 43-03-11, 43-03-13, 43-03-14, 43-03-15, 43-03-16, 43-03-17, 43-03-18, 43-03-19, 43-03-20, and 43-03-22 of the North Dakota Century Code, relating to the regulation of architects and landscape architects; to repeal sections 43-03-12, 43-03-24, and 43-03-25 of the North Dakota Century Code, relating to the regulation of architects and landscape architects; and to provide a penalty.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nelson

HB 1330, as amended, passed and the title was agreed to.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and passed: SB 2441.

#### **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 2018:** Reps. Delzer; Thoreson; Kaldor

**SB 2332:** Reps. Weisz; Skarphol; Holman

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1059, HB 1158, HB 1239, HB 1322, HB 1330.

#### **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 1129.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2171, SB 2415, SB 2421.

#### **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: SB 2293.

#### **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 1053, HB 1073, HB 1269.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2028, SB 2051, SB 2098, SB 2114, SB 2116, SB 2163, SB 2251, SB 2270, SB 2338, SB 2438.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1021, HB 1145, HB 1202, HB 1301, HB 1329, HB 1437.

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

**MR. SPEAKER:** The President has signed: HB 1021, HB 1145, HB 1202, HB 1301, HB 1329, HB 1437, HCR 3048.

**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 Dalrymple presiding.

**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 2009:** Reps. Svedjan; Skarphol; Onstad

**MOTION**

**SEN. CHRISTMANN MOVED** that the absent member 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., Wednesday, April 22, 2009, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2044:** Your conference committee (Sens. Erbele, J. Lee, Pomeroy and Reps. Pietsch, Porter, Kilichowski) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1029, adopt amendments as follows, and place SB 2044 on the Seventh order:

That the House recede from its amendments as printed on page 1029 of the Senate Journal and page 1055 of the House Journal and that Senate Bill No. 2044 be amended as follows:

Page 1, line 9, replace "2013" with "2011"

Page 2, line 4, replace "2013" with "2011"

Renumber accordingly

SB 2044 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2125:** Your conference committee (Sens. Wanzek, Miller, Heckaman and Reps. Uglen, Kingsbury, Mueller) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 950-951 and place SB 2125 on the Seventh order.

SB 2125 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2152, as engrossed:** Your conference committee (Sens. Olafson, Nething, Schneider and Reps. Frantsvog, Pietsch, Conrad) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 932 and place SB 2152 on the Seventh order.

Engrossed SB 2152 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2208, as engrossed:** Your conference committee (Sens. Klein, Wanzek, Behm and Reps. Brandenburg, Rust, Holman) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 667 and place SB 2208 on the Seventh order.

Engrossed SB 2208 was placed on the Seventh order of business on the calendar.



**REPORT OF CONFERENCE COMMITTEE**

**SB 2232, as engrossed:** Your conference committee (Sens. Lyson, Olafson, Fiebiger and Reps. Klemin, Kretschmar, Griffin) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 952, adopt amendments as follows, and place SB 2232 on the Seventh order:

That the House recede from its amendments as printed on page 952 of the Senate Journal and page 1011 the House Journal and that Senate Bill No. 2232 be amended as follows:

Page 3, line 10, after "by" insert "personal service or by certified mail upon the third party by a sheriff or by" and remove "for the judgment"

Page 3, line 11, remove "creditor or a sheriff through certified mail or personal service to the third party"

Renumber accordingly

Engrossed SB 2232 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2401, as engrossed:** Your conference committee (Sens. Olafson, J. Lee, Bakke and Reps. Headland, N. Johnson, Mock) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 952 and place SB 2401 on the Seventh order.

Engrossed SB 2401 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SCR 4018:** Your conference committee (Sens. Wanzek, Miller, Taylor and Reps. Brandenburg, Uglem, Boe) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1001 and place SCR 4018 on the Seventh order.

SCR 4018 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1039:** Your conference committee (Sens. Lyson, Nething, Fiebiger and Reps. Klemin, Dahl, Wolf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1044, adopt amendments as follows, and place HB 1039 on the Seventh order:

That the Senate recede from its amendments as printed on page 1044 of the House Journal and pages 807 and 808 of the Senate Journal and that House Bill No. 1039 be amended as follows:

Page 1, line 2, after the fourth comma insert "47-18-04, 47-18-14,"

Page 1, line 3, after "process" insert "and the homestead exemption"

Page 7, line 21, overstrike "person" and insert immediately thereafter "individual"

Page 7, line 22, overstrike "shall consist" and insert immediately thereafter "consists"

Page 7, line 25, overstrike "eighty" and insert immediately thereafter "one hundred"

Page 7, line 27, overstrike "In no case shall the" and insert immediately thereafter "The" and after "homestead" insert "may not"

Page 7, line 28, overstrike "they" and insert immediately thereafter "the lots or tracts of land"

Page 7, after line 30, insert:

**"SECTION 9. AMENDMENT.** Section 47-18-04 of the North Dakota Century Code is amended and reenacted as follows:

**47-18-04. When homestead subject to execution.** A homestead is subject to execution or forced sale in satisfaction of judgments obtained in the following cases:

1. On debts secured by mechanics' or laborers' liens for work or labor done or performed or material furnished exclusively for the improvement of the same.

2. On debts secured by mortgage on the premises executed and acknowledged by both husband and wife, or an unmarried claimant.
3. On debts created for the purchase thereof and for all taxes accruing and levied thereon.
4. On all other debts when, upon an appraisal as provided by section 47-18-06, it appears that the value of ~~said~~ the homestead is more than ~~eighty one hundred~~ thousand dollars over and above liens or encumbrances thereon, and then only to the extent of any value in excess of the sum total of ~~such~~ the liens and encumbrances plus said ~~eighty one hundred~~ thousand dollars.

**SECTION 10. AMENDMENT.** Section 47-18-14 of the North Dakota Century Code is amended and reenacted as follows:

**47-18-14. Proceeds of sale exempt - Disposition.** If the sale of a homestead is made as provided in section 47-18-13, the proceeds thereof to the amount of the homestead exemption must be paid to the claimant and the residue applied to the satisfaction of the execution. When the execution is against a married claimant whose spouse is living, the court may direct that the ~~eighty one hundred~~ thousand dollars be deposited in court to be paid out only on the joint receipt of the husband and wife, and it shall possess all the protection against legal process and voluntary disposition by either spouse as did the original homestead premises whether paid directly to the claimant or to the husband and wife jointly."

Renumber accordingly

HB 1039 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1053, as engrossed:** Your conference committee (Sens. Olafson, Andrist, Bakke and Reps. Wrangham, Klemin, Mock) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1272 and place HB 1053 on the Seventh order.

Engrossed HB 1053 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1073, as engrossed:** Your conference committee (Sens. Klein, Nodland, Horne and Reps. Porter, Weisz, Conrad) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1139-1140, adopt amendments as follows, and place HB 1073 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1139 and 1140 of the House Journal and pages 937 and 938 of the Senate Journal and that Engrossed House Bill No. 1073 be amended as follows:

Page 1, line 15, replace the first "or" with an underscored comma and after "health" insert ", or the state board of animal health"

Page 1, line 17, replace "or" with an underscored comma and after "health" insert ", or the state board of animal health"

Page 1, line 21, replace "or" with an underscored comma and after the second "health" insert ", or the state veterinarian"

Page 3, line 24, after "health" insert "or the state board of animal health"

Page 4, line 5, after "health" insert "or the state board of animal health"

Page 6, line 30, after the first "health" insert "or the state board of animal health"

Renumber accordingly

Engrossed HB 1073 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1194, as engrossed:** Your conference committee (Sens. Wanzek, Klein, Potter and Reps. Kretschmar, Porter, Vig) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 983 and place HB 1194 on the Seventh order.

Engrossed HB 1194 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1269:** Your conference committee (Sens. Dever, J. Lee, Pomeroy and Reps. Hofstad, Damschen, Holman) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1118-1119, adopt amendments as follows, and place HB 1269 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1118 and 1119 of the House Journal and page 959 of the Senate Journal and that House Bill No. 1269 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 43-12.1 of the North Dakota Century Code, relating to discipline of an unlicensed assistive person practicing without registration; to"

Page 1, line 2, after "registration" insert "; and to provide for a legislative council study"

Page 1, line 7, remove "1."

Page 1, line 12, overstrike the third "or"

Page 1, line 13, after "treatment" insert "; or issue a nondisciplinary letter of concern to a licensee, registrant, or applicant"

Page 1, line 14, remove the overstrike over "~~4.~~" and remove "a."

Page 1, line 18, remove the overstrike over "~~2.~~" and remove "b."

Page 1, line 22, remove the overstrike over "~~3.~~" and remove "c."

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

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

Page 2, line 6, remove the overstrike over "~~6.~~" and remove "f."

Page 2, line 8, remove the overstrike over "~~7.~~", remove "g.", after "nursing" insert "or assisted in the practice of nursing", and after "license" insert "or registration"

Page 2, line 10, remove the overstrike over "~~8.~~" and remove "h."

Page 2, line 12, remove the overstrike over "~~9.~~" and remove "i."

Page 2, replace lines 15 through 18 with:

**"SECTION 2.** A new section to chapter 43-12.1 of the North Dakota Century Code is created and enacted as follows:

**Unlicensed assistive person - Practice without a registration.** If the board determines an unlicensed assistive person, whose registration has expired, violated subsection 7 of section 43-12.1-14 by practicing without a current registration for a period of up to four months from the initial date of employment, the action of the board in the case of a first violation is limited to the issuance of a letter of concern.

**SECTION 3. LEGISLATIVE COUNCIL STUDY.** During the 2009-10 interim, the legislative council shall study any steps necessary to enable the state department of health to administer the registry for certified nurse assistants, nurse assistants, and unlicensed assistive persons, and examine the possibility of one registry and a potential location for that registry. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

HB 1269 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**