

JOURNAL OF THE HOUSE

Sixty-second Legislative Assembly

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Bismarck, March 4, 2011

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

The prayer was offered by Pastor Lee Herberg, First Lutheran Church, Mandan.

The roll was called and all members were present except Representatives DeKrey, Hawken, Kaldor, Kasper, Keiser, Kempenich, and Sanford.

A quorum was declared by the Speaker.

MOTION

REP. VIGESAA MOVED that House Rule 329(4) be amended temporarily, replacing "fifty-seventh legislative day" with "fifty-fourth legislative day (Friday, March 25, 2011)" in both places where it appears; and House Rule 508 be amended temporarily, replacing "sixty-fifth legislative day" with "sixty-second legislative day (Wednesday, April 6, 2011)", which motion prevailed.

ANNOUNCEMENT

SPEAKER DROVDAL ANNOUNCED that the House did not convene on Thursday, March 3, 2011, so today will be considered the 39th legislative day.

REPORT OF STANDING COMMITTEE

HCR 3039: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3039 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2032: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2032 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2069, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2069 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2090: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2090 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2096, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2096 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2102: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2102 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2112: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2112 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2128, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2128 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2282, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (14 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2282 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2301: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2301 was placed on the Fourteenth order on the calendar.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Thirty-fifth and Thirty-sixth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 762, line 35, replace "deveopment" with "development"

Page 799, line 12, replace "passed" with "lost"

Page 832, line 32, replace "**Political Subdivisions**" with "**Finance and Taxation**"

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

MOTION

REP. VIGESAA MOVED that SB 2044 be returned to the House floor from the **Political Subdivisions Committee** and be rereferred to the **Transportation Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, SB 2044 was rereferred.

MOTION

REP. VIGESAA MOVED that SB 2185 be returned to the House floor from the **Industry, Business and Labor Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, SB 2185 was rereferred.

MOTION

REP. VIGESAA MOVED that SB 2121 be returned to the House floor from the **Industry, Business and Labor Committee** and be rereferred to the **Education Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, SB 2121 was rereferred.

MOTION

REP. VIGESAA MOVED that SB 2249 be returned to the House floor from the **Finance and Taxation Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, SB 2249 was rereferred.

MOTION

REP. VIGESAA MOVED that SB 2303 be returned to the House floor from the **Judiciary Committee** and be rereferred to the **Agriculture Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, SB 2303 was rereferred.

SECOND READING OF HOUSE RESOLUTION ON CONSENT CALENDAR

HCR 3039: A concurrent resolution urging the United States Fish and Wildlife Service and

the Federal Emergency Management Agency to exempt road grade raises necessitated by flooding from the requirement that the raise be offset by the acquisition of replacement wetlands.

The question being on the final adoption of the resolution, which has been read.

HCR 3039 was declared adopted on a voice vote.

POINT OF PERSONAL PRIVILEGE

REP. DELMORE rose on a point of personal privilege.

REMARKS OF REPRESENTATIVE DELMORE

MR. SPEAKER: This past Saturday, the Red River Roughriders capped off the 2011 hockey season, winning the Boys State Hockey Tournament by defeating the Grafton/Park River Spoilers in the title game by a score of 3-0. On Friday night, the Riders defeated the West Fargo Packers in the semi-final game in double overtime.

The term that best describes the Roughrider season this year would be "redemption." After the Roughriders failed to qualify for the North Dakota State Boys Hockey tournament for the first time in school history last season, the coaches and student athletes committed themselves to not only return to the state tournament this year, but to win the title for Red River High School for the 15th time. They did it.

Goalie Bryan Nies did not allow a goal in the title game and Casey Fugleberg, Alan Zahui, and Josh Gilbertson all scored goals to lead the Roughriders to the win. Both Casey Fugleberg and Jon Lizotte received All Tournament recognition in the award ceremony following the game.

Our entire Grand Forks delegation in the legislature would like to commend Coach Bill Chase and his team for returning the championship trophy to Red River High School and we wish to thank the University of North Dakota, home of the Fighting Sioux, for providing such excellent hospitality in again hosting this year's state tournament. We congratulate the Red River Roughriders for their accomplishment. Go Riders!

REQUEST

REP. J. KELSH REQUESTED that the remarks of Rep. Delmore be printed in the Journal, which request was granted.

SECOND READING OF SENATE BILL

SB 2074: A BILL for an Act to amend and reenact subsection 1 of section 50-24.1-07 of the North Dakota Century Code, relating to the recovery by the state from the estate of a permanently institutionalized medical assistance recipient.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streytle; Sukut; Thoreson; Trottier; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: DeKrey; Hawken; Kaldor; Kasper; Keiser; Sanford; Vigesaa

SB 2074 passed.

SECOND READING OF SENATE BILL

SB 2084: A BILL for an Act to amend and reenact sections 23-07.1-01.1, 23-07.1-05, and 23-07.1-15 of the North Dakota Century Code, relating to orders for the treatment of individuals with tuberculosis; and to repeal sections 23-07.1-01, 23-07.1-06, 23-07.1-07, 23-07.1-08, 23-07.1-09, 23-07.1-10, 23-07.1-11, and 23-07.1-12 of the North Dakota Century Code, relating to orders for the treatment of individuals with tuberculosis.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: DeKrey; Hawken; Kaldor; Kasper; Keiser; Sanford

SB 2084 passed.

SECOND READING OF SENATE BILL

SB 2087: A BILL for an Act to amend and reenact section 27-20-38 of the North Dakota Century Code, relating to the rights and duties of a legal custodian.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: DeKrey; Hawken; Kaldor; Kasper; Keiser; Sanford

SB 2087 passed.

SECOND READING OF SENATE BILL

SB 2094: A BILL for an Act to amend and reenact section 23-40-02 of the North Dakota Century Code, relating to the deadline by which an emergency medical services

operator must file its application for funding with the state department of health; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: DeKrey; Hawken; Kaldor; Kasper; Keiser; Sanford

Engrossed SB 2094 passed and the emergency clause was declared carried.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Nothing, Stenehjem, Taylor and Reps. Carlson, DeKrey, J. Kelsh introduced:
(Approved by the Delayed Bills Committee)

SCR 4025: A concurrent resolution commending Assistant Attorney General Jonathan Byers for his quick and effective reaction to a serious threat to public safety, disregarding his own personal safety for the benefit of others.

Was read the first time.

MOTION

REP. VIGESAA MOVED that the rules be suspended, that SCR 4025 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. Nothing, Stenehjem, Taylor and Reps. Carlson, DeKrey, J. Kelsh introduced:
(Approved by the Delayed Bills Committee)

SENATE CONCURRENT RESOLUTION NO. 4025

A concurrent resolution commending Assistant Attorney General Jonathan Byers for his quick and effective reaction to a serious threat to public safety, disregarding his own personal safety for the benefit of others.

WHEREAS, Jonathan Byers has held the position of Assistant Attorney General for nearly 19 years, and is presently the Division Director of the Criminal and Regulatory Division of the Attorney General's office; and

WHEREAS, Mr. Byers has a reputation, throughout the state of North Dakota, as the "go to" prosecutor for difficult and complex sexual offense and other criminal cases; and

WHEREAS, having concluded a recent week-long felony trial, Mr. Byers was confronted, in open court, by the recently convicted defendant who was brandishing a handgun; and

WHEREAS, Mr. Byers, being unarmed himself, but recognizing the seriousness and danger of the situation, did at great risk to his own personal safety, physically and forcefully subdue the defendant before the weapon could be discharged, thus preserving the safety of those present, including the judge, the jury, and the public;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Assembly commends Assistant Attorney General Jonathan Byers for his heroic actions, which exemplify the degree to which a public employee may act in the interests of the public he serves; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to Assistant Attorney General Jonathan Byers and to Attorney General Wayne Stenehjem.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4025: A concurrent resolution commending Assistant Attorney General Jonathan Byers for his quick and effective reaction to a serious threat to public safety, disregarding his own personal safety for the benefit of others.

The question being on the final adoption of the resolution, which has been read.

SCR 4025 was declared adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2095: A BILL for an Act to amend and reenact section 50-09-38 of the North Dakota Century Code, relating to payment of transition assistance for child care directly to a child care provider.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: DeKrey; Hawken; Kaldor; Kasper; Keiser; Sanford

SB 2095 passed.

SECOND READING OF SENATE BILL

SB 2103: A BILL for an Act to create and enact a new section to chapter 54-27 of the North Dakota Century Code, relating to disposition of interest on closed state funds; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: DeKrey; Hawken; Kaldor; Kasper; Keiser; Sanford

SB 2103 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2154: A BILL for an Act to amend and reenact section 43-17-03 of the North Dakota Century Code, relating to membership of the state board of medical examiners; and to provide for application.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 1 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Trottier

ABSENT AND NOT VOTING: DeKrey; Hawken; Kaldor; Kasper; Keiser; Sanford

SB 2154 passed.

SECOND READING OF SENATE BILL

SB 2032: A BILL for an Act to amend and reenact sections 54-17.6-02 and 54-17.6-04 of the North Dakota Century Code, relating to the purposes of the oil and gas research council and powers of the industrial commission.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 79 YEAS, 7 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schmidt; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

NAYS: Delzer; Kempenich; Schatz; Skarphol; Steiner; Weiler; Wrangham

ABSENT AND NOT VOTING: DeKrey; Hawken; Johnson, N.; Kaldor; Kasper; Keiser; Meyer, S.; Sanford

SB 2032 passed.

SECOND READING OF SENATE BILL

SB 2069: A BILL for an Act to create and enact a new section to chapter 37-01 of the North Dakota Century Code, relating to reimbursement of certain medical expenses for North Dakota national guard members while on state active duty; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: DeKrey; Hawken; Kaldor; Kasper; Keiser; Sanford

Engrossed SB 2069 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2090: A BILL for an Act to amend and reenact sections 37-01-03, 37-01-22, and 37-01-43 and subsection 7 of section 37-28-02 of the North Dakota Century Code, relating to operation of the North Dakota national guard.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: DeKrey; Hawken; Kaldor; Kasper; Keiser; Sanford

SB 2090 passed.

SECOND READING OF SENATE BILL

SB 2096: A BILL for an Act to amend and reenact section 6-01-02, subsection 4 of section 6-03-02, and sections 6-03-08, 6-03-13, and 6-03-59 of the North Dakota Century Code, relating to capital definitions, bank powers to elect employees, bank powers as to real estate, removal of banks to new locations, and loan limitations.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Clark; Conklin; Dahl; Damschen; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

ABSENT AND NOT VOTING: Carlson; DeKrey; Hawken; Kaldor; Kasper; Keiser; Sanford

Engrossed SB 2096 passed.

SECOND READING OF SENATE BILL

SB 2102: A BILL for an Act to amend and reenact section 39-12-14.1 of the North Dakota Century Code, relating to extraordinary road use fees.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 3 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Kelsh, J.; Kempenich; Mueller

ABSENT AND NOT VOTING: DeKrey; Hawken; Kaldor; Kasper; Keiser; Sanford

SB 2102 passed.

MOTION

REP. VIGESAA MOVED that SB 2112, which is on the Fourteenth order, be laid over three legislative days, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2128: A BILL for an Act to create and enact a new section to chapter 36-15 of the North Dakota Century Code, relating to reimbursement for losses during official livestock disease testing required by the state veterinarian; to provide an appropriation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 68 YEAS, 19 NAYS,

0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Amerman; Beadle; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Damschen; Delmore; Froseth; Glassheim; Guggisberg; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Kreidt; Kretschmar; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rust; Schatz; Schmidt; Steiner; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

NAYS: Anderson; Bellew; Dahl; Delzer; Devlin; Dosch; Frantsvog; Grande; Gruchalla; Headland; Klein; Koppelman; Kreun; Nelson, J.; Rohr; Ruby; Skarphol; Streyle; Weisz

ABSENT AND NOT VOTING: DeKrey; Hawken; Kaldor; Kasper; Keiser; Klemin; Sanford

Engrossed SB 2128 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2282: A BILL for an Act to amend and reenact sections 61-02-12 and 61-04.1-07 of the North Dakota Century Code, relating to compensation of members of the state water commission and members of the North Dakota atmospheric resource board.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 4 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Porter; Rohr; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weisz; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

NAYS: Pollert; Ruby; Weiler; Wieland

ABSENT AND NOT VOTING: DeKrey; Hawken; Kaldor; Kasper; Keiser; Sanford

Engrossed SB 2282 passed.

SECOND READING OF SENATE BILL

SB 2301: A BILL for an Act to amend and reenact section 58-02-28 of the North Dakota Century Code, relating to disposition of township funds upon dissolution; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich;

Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: DeKrey; Hawken; Kaldor; Kasper; Keiser; Sanford

SB 2301 passed and the emergency clause was declared carried.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HCR 3039.

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

MR. PRESIDENT: The House has passed, unchanged: SCR 4025.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SCR 4025.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed, unchanged: HB 1037, HB 1050, HB 1051, HB 1056, HB 1063.

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 1:00 p.m., Monday, March 7, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2025: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (10 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). SB 2025 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2039: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2039 was placed on the Sixth order on the calendar.

Page 1, line 3, after "order" insert "; and to declare an emergency"

Page 1, line 13, after "counselor" insert ", any of whom is practicing within that individual's professional scope of practice"

Page 1, after line 13, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2041: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2041 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2068: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2068 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "As the secretary of the commission, the" with "The"

Page 1, line 8, after "engineer" insert ", or the state engineer's authorized designee."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2071: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2071 was placed on the Sixth order on the calendar.

Page 1, line 3, after "emergencies" insert "; and to declare an emergency"

Page 1, after line 13, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2081: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2081 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2083: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2083 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2086: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2086 was placed on the Sixth order on the calendar.

Page 1, line 2, after "of" insert "and exceptions to"

Page 1, line 6, after "**Definitions**" insert "**- Exceptions**"

Page 2, after line 6, insert:

"6. Notwithstanding subsection 5, a person in this state engaged in the auto auction business via the internet must be licensed as a motor vehicle dealer as provided for in section 39-22-23."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2091: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2091 was placed on the Sixth order on the calendar.

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

Page 1, after line 21, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2107: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2107 was placed on the Sixth order on the calendar.

Page 2, line 13, overstrike "rotating"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2116: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2116 was placed on the Sixth order on the calendar.

Page 1, line 11, after "form" insert "or its equivalent branch's form"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2127: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2127 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2143, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2143 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2147, as engrossed: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2147 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "earlier" with "additional"

Page 1, line 16, after "cutting" insert "be"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2186: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2186 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2196: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2196 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2244, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2244 was placed on the Sixth order on the calendar.

Page 1, line 12, after "and" insert "may operate"

Page 1, line 13, overstrike ", semitrailer, or farm trailer when the gross weight of the trailer, semitrailer,"

Page 1, overstrike line 14

Page 1, line 15, overstrike "sixteen thousand pounds [7257.48 kilograms]" and insert immediately thereafter "in excess of ten thousand pounds [4535.92 kilograms] provided the combined weight does not exceed twenty-six thousand pounds [1193.40 kilograms] gross combination weight rating"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2283: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2283 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2318, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2318 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2330: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2330 was placed on the Fourteenth order on the calendar.

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

Buell J. Reich, Chief Clerk