

**JOURNAL OF THE HOUSE**

**Sixty-first Legislative Assembly**

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**Bismarck, February 27, 2009**

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

The prayer was offered by Pastor Gary Walters, McCabe United Methodist Church, Bismarck.

The roll was called and all members were present except Representatives Amerman, Berg, Grande, Keiser, R. Kelsch, S. Kelsh, Klemin, and Wald.

A quorum was declared by the Speaker.

**SIXTH ORDER OF BUSINESS**

**SPEAKER MONSON DEEMED** approval of the amendments to SB 2096 and SB 2097.

SB 2096 and SB 2097, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**SECOND READING OF SENATE BILL**

**SB 2036:** A BILL for an Act to amend and reenact subsection 11 of section 57-60-01 and subsection 2 of section 57-60-02 of the North Dakota Century Code, relating to the definition of repowering and exemptions from taxes on coal conversion facilities; and to provide an effective date.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Amerman; Grande; Keiser; Kelsch, R.; Kelsh, S.; Klemin; Wald

SB 2036 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2050:** A BILL for an Act to create and enact a new section to chapter 23-27 of the North Dakota Century Code, relating to regulation of emergency medical services operation dispatch; to amend and reenact section 23-27-02, subsection 1 of section 23-27-04, and section 23-27-04.7 of the North Dakota Century Code, relating to the definition of emergency medical services, emergency medical services operation licensure standards, and distribution of property tax revenues to emergency medical services operations; and to provide for a legislative council study.

**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:** Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.;

Kaldor; Karls; Kasper; Kelsh, J.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Amerman; Grande; Keiser; Kelsch, R.; Kelsh, S.; Klemin; Wald

Engrossed SB 2050 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2054:** A BILL for an Act to amend and reenact section 24-02-02.3 of the North Dakota Century Code, relating to department of transportation agreements with tribal governments.

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

**ABSENT AND NOT VOTING:** Amerman; Grande; Keiser; Kelsch, R.; Kelsh, S.; Klemin; Wald

Engrossed SB 2054 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2067:** A BILL for an Act to amend and reenact subsection 1 of section 39-06-03.1 and subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to the online registration of donors.

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

**ABSENT AND NOT VOTING:** Amerman; Grande; Keiser; Kelsch, R.; Kelsh, S.; Klemin; Wald

Engrossed SB 2067 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2126:** A BILL for an Act to amend and reenact subsection 1 of section 6-09.9-02, subsection 2 of section 6-09.9-03, subsection 2 of section 6-09.11-03, subsection 4 of

section 6-09.11-05, and subsection 1 of section 6-09.11-06 of the North Dakota Century Code, relating to definitions and operating loans for the Family Farm Survival Act and the family farm loan program.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 2 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

**NAYS:** Delzer; Skarphol

**ABSENT AND NOT VOTING:** Amerman; Grande; Keiser; Kelsch, R.; Kelsh, S.; Klemin; Wald

SB 2126 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2127:** A BILL for an Act to amend and reenact subsection 2 of section 54-17-34 and section 54-17-34.2 of the North Dakota Century Code, relating to definitions and financing under the first-time farmer finance program.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 2 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

**NAYS:** Delzer; Skarphol

**ABSENT AND NOT VOTING:** Amerman; Grande; Keiser; Kelsch, R.; Kelsh, S.; Klemin; Wald

SB 2127 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2142:** A BILL for an Act to amend and reenact sections 54-59-05, 54-59-08, and 54-59-11 of the North Dakota Century Code, relating to powers and duties of the information technology department, required use of wide area network services, and information technology plans.

#### 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, 1 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovda; Ekstrom;

Frantsvog; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, N.; Kaldor; Karls; Kasper; Kelsh, J.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Thorpe

**ABSENT AND NOT VOTING:** Amerman; Grande; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Klemin; Wald

SB 2142 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2143:** A BILL for an Act to amend and reenact section 14-02.4-19 of the North Dakota Century Code, relating to the administrative adjudication of discriminatory practices.

### 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 86 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Amerman; Grande; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Klemin; Wald

SB 2143 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 passed unchanged: SB 2094.

### MOTION

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

### MOTION

**REP. VIGESAA MOVED** that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Monday, March 2, 2009, which motion prevailed.

### REPORT OF STANDING COMMITTEE

**SB 2034: Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2034 was placed on the Fourteenth order on the calendar.

### REPORT OF STANDING COMMITTEE

**SB 2051: Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2051 was placed on the Fourteenth order on the calendar.

### REPORT OF STANDING COMMITTEE

**SB 2128: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS,

0 ABSENT AND NOT VOTING). SB 2128 was placed on the Sixth order on the calendar.

Page 2, line 6, replace "The" with "A North Dakota member of the"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2137: Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2137 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2139: Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2139 was placed on the Sixth order on the calendar.

Page 1, line 19, after "void" insert "as to the severance of the pore space from the surface interest"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2146: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2146 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2147: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2147 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2148: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2148 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3035: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3035 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "options for and feasibility of converting ownership of the mill to a" with "its long-term role in North Dakota, including its impact on North Dakota producers"

Page 1, line 17, remove "stock company directly owned by all North Dakota residents"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3048: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HCR 3048 was placed on the Sixth order on the calendar.

Page 1, line 2, replace the second "and" with a semicolon

Page 1, line 3, after "grain" insert "; and the sale of grain to ethanol plants and processors, the payment for grain by such entities, and whether there exists a need for new or increased bonding and indemnification options to reduce financial risk"

Page 1, line 18, after the semicolon insert "and

**WHEREAS**, the sale of grain to ethanol plants and processors and the payment for grain by such entities raises questions regarding the need for new or increased bonding and indemnification options to reduce financial risk;"

Page 1, line 22, replace the second "and" with a semicolon

Page 1, line 23, after "grain" insert "; and the sale of grain to ethanol plants and processors, the payment for grain by such entities, and whether there exists a need for new or increased bonding and indemnification options to reduce financial risk"

Renumber accordingly

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

**Buell J. Reich, Chief Clerk**