

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, March 3, 2009

The Senate convened at 12:30 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor Greg Runyon, Church of Acts, Mandan.

The roll was called and all members were present except Senators Erbele, Marcellais, Mathern, and Wanzek.

A quorum was declared by the President.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Stenehjem, Chairman)** respectfully submits the following names for your **Select Committee** to approve nominee Claus Lembke to the North Dakota State Board of Higher Education: Sens. Krebsbach, Wanzek, Erbele, Dotzenrod, and Schneider.

SEN. STENEHJEM MOVED that the report be adopted, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural **Committee on Committees (Sen. Stenehjem, Chairman)** respectfully submits the following names for your **Select Committee** to approve nominee Richard Smith to the North Dakota State Board of Higher Education: Sens. Christmann, Cook, Bowman, Horne, and Lindaas.

SEN. STENEHJEM MOVED that the report be adopted, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1125, as engrossed: SEN. SCHNEIDER (Natural Resources Committee) MOVED that the amendments on SJ page 639 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1216: SEN. HOGUE (Natural Resources Committee) MOVED that the amendments on SJ page 639 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4015: A concurrent resolution directing the Industrial Commission to conduct a study of the economic impacts of proposed federal, regional, and state carbon cap and trade systems, including the Minnesota Next Generation Energy Act of 2007.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed SCR 4015 was declared adopted on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4024: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidation of state government business applications, forms, and registrations.

REQUEST

SEN. POTTER REQUESTED a recorded roll call vote on the final adoption of SCR 4024, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 21 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Fischer; Flakoll; Freborg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Stenehjem; Wardner

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

SCR 4024 was declared lost on a roll call vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4027: A concurrent resolution directing the Legislative Council to study the leasing of state lands.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4027 was declared adopted on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

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

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4028 was declared adopted on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4032: A concurrent resolution to create and enact a new section to article III of the Constitution of North Dakota, relating to vote requirements for local ordinances or initiated laws imposing requirements for supermajority votes; and to provide an effective date.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 5 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Anderson; Krauter; Lindaas; Oehlke; Potter

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

SCR 4032 was declared adopted on a roll call vote.

SECOND READING OF HOUSE BILL

HB 1165: A BILL for an Act to amend and reenact subsection 2 of section 54-17-07.3 of the North Dakota Century Code, relating to the mobile home and manufactured housing 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

HB 1165 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1167: A BILL for an Act to amend and reenact subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to eligibility to hunt during the youth deer hunting season.

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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

HB 1167 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1173: A BILL for an Act to create and enact a new subsection to section 54-52-04 of the North Dakota Century Code, relating to the authority of the public employees retirement system board to create a trust health care savings plan for all supreme and district court judges participating in the public employees retirement system.

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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

HB 1173 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1178: A BILL for an Act to amend and reenact section 54-03-26 of the North Dakota Century Code, relating to the purchase of personal computers by members of the legislative assembly.

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 40 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Krauter; O'Connell; Pomeroy

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

HB 1178 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1214: A BILL for an Act to authorize the department of human services to convey certain land in Walsh County, North Dakota.

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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

HB 1214 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1233: A BILL for an Act to amend and reenact section 39-03-18 of the North Dakota Century Code, relating to the highway patrol asset forfeiture fund.

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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

HB 1233 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1264: A BILL for an Act to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to validation of bonds issued by public bodies of the state before July 1, 2009.

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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

HB 1264 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1309: A BILL for an Act to provide for a legislative council study of the Interstate Compact on Educational Opportunity for Military Children.

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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

Engrossed HB 1309 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1311: A BILL for an Act to amend and reenact sections 12-60-16.1 and 12-60-16.6 of the North Dakota Century Code, relating to criminal history record information.

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 42 YEAS, 1 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Triplett

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

HB 1311 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1334: A BILL for an Act to amend and reenact subsection 7 of section 12.1-32-15 of the North Dakota Century Code, relating to sexual offender registration.

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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Miller; Nelson;

Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wardner; Warner

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

HB 1334 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1336: A BILL for an Act to create and enact a new section to chapter 12.1-31.2 of the North Dakota Century Code, relating to the issuance of an order prohibiting contact; to amend and reenact subsection 1 of section 29-06-15 of the North Dakota Century Code, relating to an arrest without a warrant; to repeal section 14-07.1-13 of the North Dakota Century Code, relating to an order prohibiting contact; and to provide a penalty.

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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

Engrossed HB 1336 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1343: A BILL for an Act to amend and reenact section 16.1-11.1-01 of the North Dakota Century Code, relating to polling places for elections held by mail ballot.

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 40 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: O'Connell; Potter; Wardner

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

HB 1343 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1100: A BILL for an Act to create and enact a new subdivision to subsection 17 of section 10-04-06 of the North Dakota Century Code, relating to the sale of securities; and to amend and reenact subdivision m of subsection 9 of section 10-04-02, subsections 4, 5, 11, and 13 of section 10-04-06, subsection 2 of section 10-04-08, and subsection 2 of section 10-04-08.4 of the North Dakota Century Code, relating to the definition of institutional investor, securities transactions exempt from registration, securities registration filing fees, and electronic filing.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

Engrossed HB 1100, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1113: A BILL for an Act to amend and reenact section 54-44.3-12.2 of the North Dakota Century Code, relating to state employee complaint appeals.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

HB 1113, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1124: A BILL for an Act to create and enact a new chapter to title 18 of the North Dakota Century Code, relating to approval of a compact with other states to promote effective prevention and control of forest fires.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

HB 1124, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that HB 1298, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1182: A BILL for an Act to create and enact a new section to chapter 39-06.1 of the North Dakota Century Code, relating to point reduction for safety belt use.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 18 YEAS, 25 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Christmann; Dotzenrod; Fiebiger; Heckaman; Horne; Klein; Miller; Pomeroy; Potter; Robinson; Schneider; Stenehjem; Taylor; Triplett; Warner

NAYS: Andrist; Bowman; Cook; Dever; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Seymour; Wardner

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

HB 1182, as amended, lost.

SECOND READING OF HOUSE BILL

HB 1080: A BILL for an Act to amend and reenact subsection 9 of section 15-39.1-04, subsection 4 of section 15-39.1-10, section 15-39.1-10.6, subsection 1 of section 15-39.1-19.1, and sections 15-39.1-20 and 15-39.1-30 of the North Dakota Century Code, relating to incorporation of federal law changes, procedure relating to benefit limitations, annual hour limit for retiree reemployment, and disclosure of confidential records under the teachers' fund for retirement.

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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

HB 1080 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1111: A BILL for an Act to create and enact two new subsections to section 4-30-01 of the North Dakota Century Code, relating to dairy product definitions; and to amend and reenact sections 4-30-18, 4-30-20, 4-30-36, 4-30-36.2, 4-30-36.3, 4-30-36.4, 4-30-39, and 4-30-45.1 of the North Dakota Century Code, relating to dairy products regulations.

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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Erbele; Marcellais; Mathern; Wanzek

HB 1111 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1026, HB 1114, HB 1133, HB 1134, HB 1148, HB 1152, HB 1154, HB 1156, HB 1157.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1158.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1155.

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

MR. PRESIDENT: The House has passed unchanged: SB 2034, SB 2137, SB 2146, SB 2147, SB 2148.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2096, SB 2097.

HOUSE AMENDMENTS TO SENATE BILL NO. 2096

Page 1, line 17, overstrike "or" and insert immediately thereafter an underscored comma and after "county" insert ", ambulance service, or medical service provider"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2097

Page 1, line 11, remove the overstrike over "~~a person responsible for the child's welfare~~", remove "an adult", and overstrike "to any act" and insert immediately thereafter ", or by any individual who acts"

Page 2, line 12, remove "approved by the department's"

Page 2, line 13, remove "institutional review board"

Renumber accordingly

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

MR. PRESIDENT: The House accedes to the Senate request for the return of: SB 2229.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2036, SB 2050, SB 2054, SB 2067, SB 2126, SB 2127, SB 2142, SB 2143.

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

MR. PRESIDENT: The Speaker has signed: SB 2036, SB 2050, SB 2054, SB 2067, SB 2126, SB 2127, SB 2142, SB 2143.

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

MR. SPEAKER: The President has signed: SB 2036, SB 2050, SB 2054, SB 2067, SB 2126, SB 2127, SB 2142, SB 2143.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1031, HB 1089, HB 1095, HB 1096, HB 1102, HB 1103, HB 1104, HB 1105, HB 1107, HB 1108, HB 1138, HB 1143, HB 1144, HB 1146.

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

MR. SPEAKER: The President has signed: HB 1031, HB 1089, HB 1095, HB 1096, HB 1102, HB 1103, HB 1104, HB 1105, HB 1107, HB 1108, HB 1138, HB 1143, HB 1144, HB 1146.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, March 5, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1083: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1083 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1141: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1141 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1192, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1192 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1475: Education Committee (Sen. Flakoll, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1475 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1477, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1477 was rereferred to the **Appropriations Committee**.

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

Fran A. Gronberg, Secretary