

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, March 24, 2009

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

The prayer was offered by Reverend Curtis Dikoff, Child Evangelism Fellowship, Southwest North Dakota.

The roll was called and all members were present except Senators Fiebiger, Flakoll, Grindberg, G. Lee, Schneider, and Seymour.

A quorum was declared by the President.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Klein, Chairman)** has unanimously approved the introduction of a bill for an Act to amend and reenact section 40-23-07 of the North Dakota Century Code, relating to exemption of cemetery property from special assessment; to provide a statement of legislative intent; to provide an effective date; and to declare an emergency.

The bill will be SB 2441.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Klein, Chairman)** has unanimously approved the introduction of a bill for an Act to provide for a legislative council study of blue cross blue shield of North Dakota to determine whether legislative changes are appropriate to the laws relating to nonprofit mutual insurance companies.

The bill will be SB 2442.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Klein, Chairman)** has cast a vote of 3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a bill for an Act to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to facility relocation cost recovery due to implementation of the American Recovery and Reinvestment Act of 2009.

The bill will be SB 2443.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Klein, Chairman)** has unanimously approved the introduction of a concurrent resolution urging the North Dakota Congressional Delegation and the Congress of the United States to support worker freedom by opposing the federal Employee Free Choice Act and any of the Act's related components.

The resolution will be SCR 4033.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Klein, Chairman)** has unanimously approved the introduction of a concurrent resolution urging the Secretary of the Treasury to authorize the placement of the image of President Theodore Roosevelt on the obverse of the quarters in the national parks quarter dollar series.

The resolution will be SCR 4034.

CONSIDERATION OF AMENDMENTS

HB 1021, as engrossed: SEN. WARDNER (Appropriations Committee) MOVED that the amendments on SJ pages 909-910 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1514, as engrossed: SEN. NODLAND (Transportation Committee) MOVED that the amendments on SJ page 914 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1308, as engrossed: SEN. WANZEK (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 913 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1266: SEN. ANDERSON (Finance and Taxation Committee) MOVED that the amendments on SJ page 910 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1301, as engrossed: SEN. NODLAND (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 911-913 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3021: SEN. LYSON (Natural Resources Committee) MOVED that the amendments on SJ page 914 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3045: SEN. POMEROY (Natural Resources Committee) MOVED that the amendments on SJ page 915 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3014, as engrossed: SEN. HECKAMAN (Agriculture Committee) MOVED that the amendments on SJ page 914 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3048, as engrossed: SEN. BEHM (Agriculture Committee) MOVED that the amendments on SJ pages 915-916 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1478, as reengrossed: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ page 895 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1204: A BILL for an Act to create and enact subsection 15 to section 26.1-36-05, a new section to chapter 26.1-36, and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to health insurance coverage for medical services related to intoxication; to amend and reenact subsection 2 of section 26.1-36-04 of the North Dakota Century Code, relating to individual health insurance coverage of injuries caused by intoxication or the use of narcotics or incurred in the commission of a crime; and to provide a statement of legislative intent.

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 37 YEAS, 4 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Lindaas; Mathern; Triplett; Warner

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

Engrossed HB 1204, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1035: A BILL for an Act to amend and reenact section 65-04-02 of the North Dakota Century Code, relating to workforce safety and insurance reserves.

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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

Engrossed HB 1035, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1561: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to a treating doctor's opinion in workers' compensation decisions; to provide for application; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

Engrossed HB 1561, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1510: A BILL for an Act to amend and reenact subsection 1 of section 37-19.1-04 of the North Dakota Century Code, relating to veterans' preference.

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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

Engrossed HB 1510, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1162: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to restrictions on the sale of flags of the United States of America; and to provide an effective date.

MOTION

SEN. POTTER MOVED that HB 1162 be amended as follows:

Page 1, line 1, after "chapter" insert "44-08 and a new section to chapter"

Page 1, line 2, after "sale" insert "and purchase"

Page 1, after line 4, insert:

"SECTION 1. A new section to chapter 44-08 of the North Dakota Century Code is created and enacted as follows:

Purchase of flags of the United States. A state entity or any political subdivision of this state may not purchase a flag of the United States of America unless the flag was manufactured in the United States of America. This section does not apply to the purchase of an item that is not a flag but which portrays a likeness of a flag of the United States of America, such as food, clothing, a lapel pin, a paper product, or other non-flag item."

Renumber accordingly

REQUEST

SEN. POTTER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1162, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1162, the roll was called and there were 25 YEAS, 16 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Cook; Dotzenrod; Heckaman; Hogue; Holmberg; Horne; Krauter; Krebsbach; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; O'Connell; Pomeroy; Potter; Robinson; Taylor; Triplett; Wanzek; Warner

NAYS: Andrist; Bowman; Christmann; Dever; Erbele; Fischer; Freborg; Kilzer; Klein; Lee, J.; Nething; Nodland; Oehlke; Olafson; Stenehjem; Wardner

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

The proposed amendments to HB 1162 were adopted.

REQUEST

SEN. MATHERN REQUESTED that the Senate divide HB 1162, which request was granted.

DIVISION A: The original text of the bill relating to the sale of flags of the United States of America.

DIVISION B: The newly added section of the bill concerning the purchase of flags of the United States of America.

ROLL CALL

The question being on the final adoption of Division A of HB 1162, the roll was called and there were 18 YEAS, 23 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Freborg; Heckaman; Klein; Lyson; Nething; Nodland; Pomeroy; Potter; Robinson; Stenehjem; Wardner

NAYS: Andrist; Bakke; Erbele; Fischer; Hogue; Holmberg; Horne; Kilzer; Krauter; Krebsbach; Lee, J.; Lindaas; Marcellais; Mathern; Miller; Nelson; O'Connell; Oehlke; Olafson; Taylor; Triplett; Wanzek; Warner

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

Division A of HB 1162 lost.

ROLL CALL

The question being on the final adoption of Division B of HB 1162, the roll was called and there were 32 YEAS, 9 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Bowman; Christmann; Dever; Dotzenrod; Erbele; Freborg; Heckaman; Holmberg; Horne; Kilzer; Klein; Krauter; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Taylor; Triplett; Wanzek; Warner

NAYS: Andrist; Cook; Fischer; Hogue; Krebsbach; Nodland; Olafson; Stenehjem; Wardner

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

Division B of HB 1162 passed.

ROLL CALL

The question being on the final passage of the amended bill, which consists of Division B only, and which has been read, the roll was called and there were 35 YEAS, 6 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Dever; Dotzenrod; Erbele; Freborg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Cook; Fischer; Krebsbach; Lee, J.; Olafson; Stenehjem

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

HB 1162, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1437: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and a new section to chapter 43-34 of the North Dakota Century Code, relating to criminal history record checks of nursing home administrators; and to amend and reenact subsection 1 of section 43-34-02 and sections 43-34-03, 43-34-05, 43-34-11, and 43-34-12 of the North Dakota Century Code, relating to licensing of nursing home administrators.

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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

HB 1437, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1044: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the development of a program for services to transition-aged youth at risk; and to provide a continuing appropriation.

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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

Reengrossed HB 1044, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1284: A BILL for an Act to create and enact chapter 26.1-33.4 of the North Dakota Century Code, relating to the national conference of insurance legislators Life Settlements Model Act; to amend and reenact subsections 19 and 21 of section 10-04-02 of the North Dakota Century Code, relating to the definition of the terms viatical or life settlement contract and security; to repeal chapter 26.1-33.3 of the North Dakota Century Code, relating to viatical settlement contracts; and to provide a penalty.

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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

Engrossed HB 1284, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that HB 1235, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1368: A BILL for an Act to create and enact chapter 18-13 of the North Dakota Century Code, relating to reduced ignition propensity standards for cigarettes; to provide an effective date; and to provide an expiration date.

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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

Reengrossed HB 1368, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1403: A BILL for an Act to provide for a legislative council study of the capitol complex facility needs.

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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

Engrossed HB 1403 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1123: A BILL for an Act to amend and reenact section 54-01-27 of the North Dakota Century Code, relating to the approval of state leases by 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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

HB 1123 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1271: A BILL for an Act to amend and reenact sections 11-07-01, 11-07-02, 11-07-03, and 11-11-02 of the North Dakota Century Code, relating to county commissioner redistricting; and to repeal section 11-07-03.1 of the North Dakota Century Code, relating to county commissioner redistricting.

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, 1 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Christmann

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

HB 1271 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1496: A BILL for an Act to create and enact two new sections to title 36 of the North Dakota Century Code, relating to an equine assessment and to require a bond; to provide for an equine processing facility feasibility study; to create an advisory committee; to provide an appropriation; to provide a continuing appropriation; and to provide for legislative intent.

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 33 YEAS, 8 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Heckaman; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Stenehjem; Taylor; Wanzek; Wardner; Warner

NAYS: Bakke; Fischer; Freborg; Hogue; Holmberg; Mathern; Nelson; Triplett

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

Reengrossed HB 1496, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1069: A BILL for an Act to amend and reenact subsection 9 of section 32-03.2-11 of the North Dakota Century Code, relating to exemplary damages.

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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

HB 1069 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1126: A BILL for an Act to amend and reenact section 57-51.1-07.3 of the North Dakota Century Code, relating to the transfer of oil and gas gross production tax and oil extraction tax revenues.

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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

HB 1126 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1244: A BILL for an Act to amend and reenact section 12.1-11-07 of the North Dakota Century Code, relating to defrauding a urine test.

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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

Engrossed HB 1244 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1362: A BILL for an Act to amend and reenact section 52-04-24 of the North Dakota Century Code, relating to unemployment compensation rates for staffing services.

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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

Engrossed HB 1362 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1314: A BILL for an Act to amend and reenact section 57-20-07.1 of the North Dakota Century Code, relating to property tax statement contents; 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 NOT PASS, the roll was called and there were 1 YEAS, 40 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: O'Connell

NAYS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Freborg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Potter; Robinson; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

Engrossed HB 1314 lost.

SECOND READING OF HOUSE BILL

HB 1196: A BILL for an Act to amend and reenact section 26.1-36.4-06 of the North Dakota Century Code, relating to elimination of the reporting requirement of modified community rating of insurance policies.

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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

HB 1196 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1070: A BILL for an Act to create and enact a new section to chapter 18-11 of the North Dakota Century Code, relating to alternate firefighters relief association plan benefits.

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 41 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fiebiger; Flakoll; Grindberg; Lee, G.; Schneider; Seymour

HB 1070 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that HB 1360 and HCR 3016, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3042: A concurrent resolution expressing support for the public awareness of multiple sclerosis and urging the Congress of the United States to join in the movement in creating a world free of multiple sclerosis.

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

HCR 3042 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3041: A concurrent resolution to recognize the American Foundation for Suicide Prevention and the American Foundation for Suicide Prevention - North Dakota Chapter for their efforts in understanding and preventing suicide through research and education and for providing programs and resources for individuals with mood disorders and those impacted by suicide and to recognize depression as a mental illness and how individuals who suffer from depression may be at an increased risk of suicidal behavior.

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

HCR 3041 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3024: A concurrent resolution directing the Legislative Council to study the safety of cosmetics.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3024 was declared lost on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3003: A concurrent resolution directing the Legislative Council to study the extent to which the funding mechanisms and administrative structures of the federal, state, and county governments enhance or detract from the ability of the social service programs of tribal governments to meet the needs of tribal members.

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

Engrossed HCR 3003 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3061: A concurrent resolution directing the Legislative Council to study educational delivery to Indian students, ways to address the unique challenges of that effort, and the feasibility and desirability of utilizing contractual options for state-supported educational delivery.

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

HCR 3061 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3028: A concurrent resolution urging Congress to support the responsible use of the beneficial qualities of biotechnology such as pharmaceuticals, anti-immune disease control, biodegradable plastics, and other potential benefits to people and the global environment through high-yield agricultural production.

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

Engrossed HCR 3028 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3026: A concurrent resolution urging the United States Drug Enforcement Administration to allow North Dakota to regulate industrial hemp farming without requiring federal applications, licenses, or fees.

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

HCR 3026 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3033: A concurrent resolution designating June 19 as Juneteenth National Freedom Day.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

Engrossed HCR 3033 was declared lost on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3017: A concurrent resolution recognizing the importance of participation in Census 2010 and encouraging state agencies, political subdivisions, tribal governments, and all public officials to partner with the United States Census Bureau in achieving an accurate and complete count in Census 2010.

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

Engrossed HCR 3017 was declared adopted, and the title was agreed to on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that HB 1464 be returned to the Senate floor from the **Industry, Business and Labor Committee**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that Reengrossed HB 1368, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Reengrossed HB 1368 was rereferred.

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

MR. SPEAKER: The Senate has failed to pass unchanged: HB 1314, HCR 3024, HCR 3033.

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

MR. PRESIDENT: The House has passed unchanged: SB 2124, SB 2291, SB 2399, SB 2420, SB 2429.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2098, SB 2152, SB 2195, SB 2247.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2098

Page 3, line 8, remove "who is practicing within the professional scope"

Page 3, line 9, remove "of practice and"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2152

Page 6, remove lines 25 and 26

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2195

Page 2, replace lines 1 through 11 with "the attending physician, as expeditiously as possible, shall confer with an agent acting under the prospective donor's declaration or directive or, if none or the agent is not reasonably available, another person authorized by law other than this chapter to make health care decisions on behalf of the prospective donor. In resolving the conflict, the agent or other person authorized by law shall make the decision in accordance with the agent's or person's knowledge of the prospective donor's wishes and religious or moral beliefs, as stated orally, or as contained in the declaration or advance health care directive."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2247

Page 1, line 11, after "is" insert "owned and"

Renumber accordingly

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3064.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1037, HB 1091, HB 1344, HB 1365, HCR 3044.

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

MR. SPEAKER: The President has signed: HB 1302, HCR 3064.

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 11:00 a.m., Wednesday, March 25, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1161, as engrossed: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1161 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1241: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1241 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1278, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1278 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "; to repeal sections 61-24.5-10, 61-24.5-11, 61-24.5-12, 61-24.5-13, and" with a period

Page 1, remove lines 4 and 5

Page 3, remove lines 20 through 25

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1354, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1354 was placed on the Sixth order on the calendar.

Page 2, line 3, replace "January 1, 2008" with "July 1, 2007"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1401: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1401 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "and market" with "ratio"

Page 1, line 12, replace "and market" with "ratio"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1433, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1433, as amended, was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Holmberg, Schneider and Rep. Dahl introduced:
(Approved by the Delayed Bills Committee)

SB 2441: A BILL for an Act to amend and reenact section 40-23-07 of the North Dakota Century Code, relating to exemption of cemetery property from special assessment; to provide a statement of legislative intent; to provide an effective date; and to declare an emergency.

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

Sen. Mathern introduced:
(Approved by the Delayed Bills Committee)

SB 2442: A BILL for an Act to provide for a legislative council study of blue cross blue shield of North Dakota to determine whether legislative changes are appropriate to the laws relating to nonprofit mutual insurance companies.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sen. Christmann introduced:
(Approved by the Delayed Bills Committee)

SB 2443: A BILL for an Act to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to facility relocation cost recovery due to implementation of the American Recovery and Reinvestment Act of 2009.

Was read the first time and referred to the **Judiciary Committee**.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Stenehjem, Andrist, Freborg and Reps. Carlson, Dosch, Thoreson introduced:

(Approved by the Delayed Bills Committee)

SCR 4033: A concurrent resolution urging the North Dakota Congressional Delegation and the Congress of the United States to support worker freedom by opposing the federal Employee Free Choice Act and any of the Act's related components.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sen. Stenehjem introduced:

(Approved by the Delayed Bills Committee)

SCR 4034: A concurrent resolution urging the Secretary of the Treasury to authorize the placement of the image of President Theodore Roosevelt on the obverse of the quarters in the national parks quarter dollar series.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

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

Fran A. Gronberg, Secretary