

## JOURNAL OF THE HOUSE

## Sixty-first Legislative Assembly

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Bismarck, January 26, 2009

The House convened at 1:00 p.m., with Speaker Monson presiding.

The prayer was offered by Chaplain Clyde Leimberer, The Baptist Home, Bismarck.

The roll was called and all members were present except Representative Boe.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Delzer, Chairman)** has carefully examined the Journal of the Fourteenth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 212, line 32, replace "passed and to which title was agreed." with "failed."

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

## SIXTH ORDER OF BUSINESS

**SPEAKER MONSON DEEMED** approval of the amendments to HB 1217, HB 1239, and HB 1306.

HB 1306, as amended, was rereferred to the **Appropriations Committee**.

HB 1217 and HB 1239, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. D. JOHNSON MOVED** that the House reconsider its action whereby HB 1112 failed to pass, which motion prevailed.

## MOTION

**REP. VIGESAA MOVED** that HB 1112, which is on the Eleventh order, be rereferred to the **Agriculture Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1112 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that Engrossed HB 1368, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed HB 1368 was rereferred.

## SECOND READING OF HOUSE BILL

**HB 1345:** A BILL for an Act to amend and reenact section 5-02-02 of the North Dakota Century Code, relating to the qualifications of a licensee for a retail alcoholic beverage license.

## 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; 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;

Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser;  
Speaker Monson

**ABSENT AND NOT VOTING:** Boe

HB 1345 passed and to which title was agreed.

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**SECOND READING OF HOUSE BILL**

**HB 1365:** A BILL for an Act to prohibit recyclers, scrap metal dealers, or scrapyard operators from purchasing certain beer kegs; 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 91 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Griffin; Mock

**ABSENT AND NOT VOTING:** Boe

HB 1365 passed and to which title was agreed.

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**SECOND READING OF HOUSE BILL**

**HB 1381:** A BILL for an Act to amend and reenact section 5-01-04 of the North Dakota Century Code, relating to the manufacture of alcoholic beverages.

**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 2 YEAS, 91 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Gruchalla; Potter

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

**ABSENT AND NOT VOTING:** Boe

HB 1381 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1385:** A BILL for an Act to amend and reenact section 50-24.6-04 of the North Dakota Century Code, relating to the prior authorization 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; 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; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Boe

HB 1385 passed and to which title was agreed.

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**SECOND READING OF HOUSE BILL**

**HB 1179:** A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to interest charges on irrigation equipment; and to amend and reenact subsection 1 of section 43-07-01 of the North Dakota Century Code, relating to the definition of a contractor.

**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 16 YEAS, 77 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Brandenburg; Conrad; Damschen; DeKrey; Delzer; Kelsch, R.; Kelsh, J.; Kempenich; Meyer, S.; Myxter; Nelson; Porter; Thoreson; Weisz; Wolf; Zaiser

**NAYS:** Amerman; Bellew; Belter; Berg; Boehning; Boucher; Carlson; Clark; Conklin; Dahl; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Mock; Mueller; Nathe; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Winrich; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Boe

HB 1179 lost.

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**MOTION**

**REP. VIGESAA MOVED** that HB 1184, which is on the Eleventh order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1184 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1097:** A BILL for an Act to amend and reenact section 34-14-04.1 of the North Dakota Century Code, relating to limitations of withholdings of an employer from compensation due employees.

**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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; 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; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Boe

Engrossed HB 1097 passed and to which title was agreed.

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**SECOND READING OF HOUSE BILL**

**HB 1159:** A BILL for an Act to amend and reenact section 27-20-54 of the North Dakota Century Code, relating to the destruction of juvenile court records.

**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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; 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; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Boe

Engrossed HB 1159 passed and to which title was agreed.

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**SECOND READING OF HOUSE BILL**

**HB 1176:** A BILL for an Act to create and enact five new sections to chapter 43-20, a new subsection to section 43-28-02, three new sections to chapter 43-28, and section 43-28-18.2 of the North Dakota Century Code, relating to licensing of dental assistants and hygienists and dentists; to amend and reenact sections 43-20-03, 43-20-05, 43-20-06, 43-20-08, 43-20-09, 43-20-10, 43-20-12.2, 43-20-13.1, and 43-28-01, subsection 2 of section 43-28-06, sections 43-28-10, 43-28-11, 43-28-13, 43-28-15, 43-28-16, 43-28-17, and 43-28-18, subsection 1 of section 43-28-18.1, and sections 43-28-24 and 43-28-25 of the North Dakota Century Code, relating to the practice and licensing of dental assistants and hygienists and dentists; to repeal sections 43-20-01, 43-20-02, 43-20-07, 43-20-12.1, 43-28-12, 43-28-12.1, 43-28-12.2, 43-28-14, 43-28-19, 43-28-20, 43-28-21, and 43-28-22 of the North Dakota Century Code, relating to the practice and licensing of dental hygienists and dentists; and to provide an effective 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; 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; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Boe

Engrossed HB 1176 passed and to which title was agreed.

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### SECOND READING OF HOUSE BILL

**HB 1185:** A BILL for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to human trafficking; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; 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; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Boe

Engrossed HB 1185 passed and to which title was agreed.

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### SECOND READING OF HOUSE BILL

**HB 1204:** A BILL for an Act to create and enact 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 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 adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; 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; Wald; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Wald

**ABSENT AND NOT VOTING:** Boe

Engrossed HB 1204 passed and to which title was agreed.

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**SECOND READING OF HOUSE BILL**

**HB 1223:** A BILL for an Act to amend and reenact sections 12-67-01, 12-67-02, 12-67-03, and 12-67-04 of the North Dakota Century Code, relating to electronic monitoring of certain offenders.

**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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; 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; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Boe

Engrossed HB 1223 passed and to which title was agreed.

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**SECOND READING OF HOUSE BILL**

**HB 1291:** A BILL for an Act to create and enact a new section to chapter 14-07.1 of the North Dakota Century Code, relating to the use of electronic monitoring as a condition of release for certain individuals.

**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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; 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; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Boe

Engrossed HB 1291 passed and to which title was agreed.

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**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: HB 1045, HB 1089, HB 1094, HB 1100, HB 1109, HB 1111, HB 1125, HB 1140, HB 1152, HB 1154, HB 1156, HB 1192, HB 1220, HB 1234, HB 1258, HB 1263, HB 1269, HB 1300, HB 1330, HB 1332, HB 1378.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1027.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2029.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2071, SB 2099, SB 2130, SB 2153, SB 2179, SB 2180, SB 2191, SB 2200, SB 2204.

**MOTION**

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

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fifth and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, January 27, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1029: 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). HB 1029 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "Classified" with "Executive branch agencies having employees in classified service"

Page 1, line 9, remove "service agencies"

Page 1, line 13, replace "nonclassified" with "executive branch"

Page 1, line 14, after "institution" insert ", except an institution of higher education, having employees who are not in classified service and"

Page 1, line 18, after "committee" insert "for approval"

Page 1, line 19, replace "this section" with "rules approved by the administrative rules committee"

Page 2, line 7, replace "Classified service agencies" with "Executive branch agencies having employees in classified service"

Page 2, line 12, replace "nonclassified" with "executive branch" and after "institution" insert ", except an institution of higher education, having employees who are not in classified service and"

Page 2, line 16, after "committee" insert "for approval"

Page 2, line 18, after the second underscored comma insert "under rules approved by the administrative rules committee,"

Page 2, line 24, after "tuition" insert "reported"

Page 3, line 5, after "each" insert "executive branch" and after "institution" insert ", except an institution of higher education,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1075: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1075 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1079: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1079 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1206: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1206 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "apply for environmental clearance and upon approval shall" with "include, as part of the department's project development process, the four-lane"

alternate when it develops the environmental document for the next major reconstruction project for"

Page 1, line 6, remove "include the construction of four lanes on"

Page 1, line 7, replace "as part of the statewide strategic transportation plan" with ". It is recommended that the four-lane alternative be selected as the preferred alternate and be constructed if environmental clearance is obtained"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1227: Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 03 NAYS, 0 ABSENT AND NOT VOTING). HB 1227 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "and"

Page 1, line 3, replace the first comma with "and" and remove ", subsection 3 of section 20.1-03-12, and"

Page 1, line 4, remove "section 20.1-03-12.1"

Page 1, line 5, remove "; and to provide an appropriation"

Page 1, line 15, replace "eighteen" with "sixteen"

Page 2, line 6, replace "under this provision" with "in a youth season"

Page 2, remove lines 9 through 27

Page 2, line 30, replace "**hunters**" with "**residents**"

Page 2, line 31, replace "hunters" with "residents"

Page 3, line 1, replace "two seasons" with "one season"

Page 3, line 5, after "20.1-03-01.2" insert "or has purchased a license to hunt within the previous year"

Page 3, remove lines 7 through 13

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1248: Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO NOT PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1248 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1292: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1292 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1318: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1318 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1356: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1356 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1360: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1360 was placed on the Eleventh order on the calendar.



**REPORT OF STANDING COMMITTEE**

**HB 1373: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1373 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1452: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1452 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3003: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3003 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sustainability of tribal" with "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"

Page 1, line 2, remove "social service programs"

Page 1, line 14, replace "sustainability of tribal social service programs" with "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"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3007: Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3007 was placed on the Sixth order on the calendar.

Page 1, line 1, after "law" insert "or policy" and after the second "to" insert "implement the North Dakota Game and Fish Department alternative that would"

Page 1, line 14, remove "under federal"

Page 1, line 15, remove "law"

Page 1, line 17, replace "and to reduce the" with "; and"

**WHEREAS**, the North Dakota Game and Fish Department has developed and recommended an alternative that would reduce the elk population in Theodore Roosevelt National Park using certified volunteer sharpshooters; and"

Page 1, remove line 18

Page 2, line 2, after "law" insert "or policy" and after the first "to" insert "implement the North Dakota Game and Fish Department alternative that would"

Renumber accordingly

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Reps. Zaiser, Amerman, Delmore, Griffin, Kaldor and Sen. Potter introduced:

**HCR 3013:** A concurrent resolution directing the Legislative Council to study the availability of legal representation to assist injured employees in understanding and pursuing Workforce Safety and Insurance decisions.

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

Reps. Wald, Grande, Heller and Sens. Erbele, Freborg, Wardner introduced:

**HCR 3015:** A concurrent resolution urging Congress to reject the bill known as the Freedom of Choice Act, which would invalidate virtually every abortion-related regulation enacted by the people of North Dakota through their elected officials.

Was read the first time and referred to the **Human Services Committee**.

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

**Buell J. Reich, Chief Clerk**