

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, January 20, 2009

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

The prayer was offered by Pastor Scott Bauman, Charity Lutheran, Bismarck.

The roll was called and all members were present except Representatives Glassheim, Onstad, and Winrich.

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 Seventh, Eighth and Tenth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page, 123, after line 48, insert:

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

MR. SPEAKER: The Senate wishes to inform the House that Senator Christmann moved that Joint Rule 208 be suspended for the purpose of introducing SB 2225, SB 2226, SB 2227, SB 2228, and SB 2229 and that the House be notified of the suspension of Joint Rule 208 for this purpose."

Page 129, line 15, delete "be printed".

Page 149, line 33, change "word" to "words".

Page 149, line 36, change "Gettyburg" to "Gettysburg".

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

POINT OF PERSONAL PRIVILEGE

REP. BOUCHER: Mr. Speaker: I rise on a point of personal privilege.

I would like to take a moment of this body's time this afternoon to acknowledge this very significant day in the history of this great nation.

Today the 44th president in the history of our republic was sworn in. We have witnessed the transition of executive power and leadership with minimal conflict or interruptions on 44 occasions for 220 years. This is a legacy that few nations and societies in the history of humanity have been able to accomplish.

Borrowing two symbolic words spoken by our newly sworn in President Barack Obama; today is symbolic of the monumental accomplishments of our "patchwork heritage."

We have witnessed in intimate detail the success of a society and a political democracy that has evolved from a huge human melting pot of races, creeds, and diversities. This has been accomplished in an orderly fashion and with utmost dignity.

We congratulate President Obama for what he has accomplished. We wish him the best of luck as he moves forward with his duties as our 44th president; and join him working together to fulfill the continued legacy of our "patchwork heritage"...God bless America.

MOTION

REP. VIGESAA MOVED that the remarks of Representative Boucher be printed in the Journal, which motion prevailed.

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to HB 1134.

HB 1134, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1166: A BILL for an Act to amend and reenact sections 57-02-27.1, 57-02-27.2, 57-02-38, and 57-12-09, subsection 4 of section 57-14-08, and section 57-20-03 of the North Dakota Century Code, relating to property valuation by townships, the deletion of obsolete dates and references for the purposes of valuation and assessment of agricultural lands, assessment of unplatted, undeveloped, and nonagricultural real property located outside of a city, and notice requirements for increased property tax assessments; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; 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; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Glassheim; Onstad; Winrich

HB 1166 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1168: A BILL for an Act to repeal section 54-11-09 of the North Dakota Century Code, relating to registration of bonds by the state treasurer.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; 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; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Glassheim; Onstad; Winrich

HB 1168 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1099: A BILL for an Act to amend and reenact section 34-14-09 of the North Dakota Century Code, relating to employees' remedies and the limitations on wages collectible.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; 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; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Glassheim; Onstad; Winrich

HB 1099, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1136: A BILL for an Act to amend and reenact sections 26.1-01-07 and 26.1-01-08.1 of the North Dakota Century Code, relating to fees chargeable by the insurance commissioner.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; 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; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Glassheim; Onstad; Winrich

HB 1136, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1143: A BILL for an Act to amend and reenact subsection 1 of section 6-06-08 of the North Dakota Century Code, relating to reports of examination and late fees of state-chartered credit unions set by the state credit union board.

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 88 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; 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; Pietsch; Pinkerton; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Delzer; Pollert; Skarphol

ABSENT AND NOT VOTING: Glassheim; Onstad; Winrich

HB 1143, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1050: A BILL for an Act to provide an appropriation to the adjutant general for purchasing or leasing infrastructure and equipment to expand coverage of the state radio system.

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 23 YEAS, 68 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Boucher; Conklin; Conrad; Drovdal; Ekstrom; Gruchalla; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kroeber; Martinson; Metcalf; Mueller; Myxter; Pinkerton; Porter; Potter; Schmidt; Wolf

NAYS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Frantsvog; Froelich; Froseth; Grande; Griffin; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Meier, L.; Meyer, S.; Mock; Nathe; Nelson; Nottestad; Pietsch; Pollert; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Glassheim; Onstad; Winrich

HB 1050 lost.

SECOND READING OF HOUSE BILL

HB 1051: A BILL for an Act to provide an appropriation to the adjutant general for upgrading the department of emergency services' mobile data system.

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 0 YEAS, 91 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

NAYS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; 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; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Glassheim; Onstad; Winrich

HB 1051 lost.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fifth and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, January 21, 2009, which motion prevailed.

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 2092.

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 1035, HB 1114, HB 1122, HB 1123, HB 1133, HB 1137, HB 1138, HB 1139, HB 1146, HB 1155, HB 1162, HB 1164, HB 1167.

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 2037, SB 2052, SB 2061, SB 2077, SB 2080, SB 2088, SB 2094, SB 2096, SB 2100, SB 2102, SB 2103, SB 2105, SB 2106, SB 2108, SB 2109, SB 2111, SB 2113, SB 2117, SB 2119, SB 2125, SB 2128, SB 2147, SB 2157.

REPORT OF STANDING COMMITTEE

HB 1026: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1026 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1045: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1045 was placed on the Sixth order on the calendar.

Page 2, line 18, remove ", nor to"

Page 2, line 19, remove "the private land habitat and access improvement program under title 20.1"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1125: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1125 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "deer" with "big game"

Page 1, line 13, after "health" insert "and domestic livestock"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1140: 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 1140 was placed on the Sixth order on the calendar.

Page 1, line 13, after the first "fund" insert "must be credited"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1170: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1170 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1179: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1179 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1184: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1184 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1191: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1191 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1196: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1196 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1199: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1199 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1200: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (9 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1200 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1209: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (6 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1209 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1300: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1300 was placed on the Eleventh order on the calendar.

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

Buell J. Reich, Chief Clerk