

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, March 9, 2009

The House convened at 12:30 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 Representatives Froelich, Kempenich, Nathe, and Zaiser.

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 38th Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

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

MR. PRESIDENT: The Speaker 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."

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

MOTION

REP. VIGESAA MOVED that we suspend Joint Rule 203, part 2, whereby crossover date for resolutions by the 42nd legislative day be extended to Tuesday, the 43rd legislative day, which motion prevailed.

MOTION

REP. VIGESAA MOVED that a committee of two be appointed to escort Miss North Dakota, Tessie Jones, to the podium, which motion prevailed. Speaker Monson appointed Reps. Koppelman and Wieland to the escort committee.

REMARKS OF TESSIE JONES, MISS NORTH DAKOTA 2009

Good afternoon legislators! Thank you for having me today; it is an honor to address you. It has been a privilege and a blessing to represent our wonderful state this year. I wanted the job so much that I ran for Miss North Dakota four times before earning the title.

I have traveled across the state and back from my hometown of West Fargo this year, and also to Florida, California, and Nevada to take part in Miss America activities. They may have the warm weather, but I have always looked forward to coming home. I attended the Fargo Film Festival this past weekend and a visiting filmmaker from Spain said it best: "You have some very cold weather here, but the people are very warm." I have found this to be true all year long, and in my interaction with people from every state in our nation this year, I can say that North Dakotans are second to none.

We have some of the kindest, warmest, most hardworking individuals with integrity and sincerity. Not to mention brave, from our soldiers overseas, to my fellow Miss North Dakota 1997 Roxana Saberi, the journalist who is currently detained in Iran. Please continue to keep these individuals in your thoughts and prayers as I have.

I admire the positions each of you hold, and I know your jobs, like mine, are ones of service. Matthew 23:11 states, "He who is greatest among you shall be your servant." I'm sure you have learned, as I have, that the greatest achievements in life are those that serve others. The way I have best found to serve my state is by promoting an idea I call "Life Awareness: Improving Mental Health & Preventing Suicide."

When I was 16, I got into my first car accident on New Year's Eve and went to work feeling sorry for myself, but was in for a rude awakening. Upon arriving, I was informed that a co-worker of mine had attempted suicide over Christmas. This girl was a classmate of mine, my same age. Unfortunately hers is not an isolated event. North Dakota has the second highest suicide rate in the nation for people ages 15-24.

I travel to schools across the state and have spoken to almost 4,000 students thus far about suicide so that they may see warning signs in those around them and seek help for those individuals or themselves. I have numerous encounters with young people who have approached me with their own stories of depression and suicidal thoughts. I know this all too well, as someone close to me had been suicidal for quite some time and attempted twice in my presence. But this person is still with us, and that is my hope for our youth - that they can hold on through the difficult times to harness the potential we know they have.

As you know, the Mental Health Parity bill was passed this past year in Congress, which treats mental illness the same as physical illness. I encourage you to continue to support this idea at the state level and support such crucial and life-saving organizations like Mental Health America of North Dakota and the North Dakota Chapter of the American Foundation for Suicide Prevention, two organizations I have had the privilege of working with.

Thank you again for the work that you do, and I applaud you for making North Dakota one of the strongest economies in our nation. I don't think it's quite as hard as modeling a swimsuit in front of thousands, but difficult nonetheless. Thank you and God bless!

MOTION

REP. VIGESAA MOVED that the remarks of Tessie Jones, Miss North Dakota 2009 be printed in the Journal, which motion prevailed.

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to HCR 3047, HCR 3052, HCR 3058, HCR 3060, and SB 2317.

HCR 3047, HCR 3052, HCR 3058, and HCR 3060, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SB 2317, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

HCR 3046: REP. HATLESTAD (Constitutional Revision Committee) MOVED that the amendments on HJ page 835 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

REQUEST

REP. RUBY REQUESTED a recorded roll call vote on the proposed amendments to HCR 3046, which request was granted.

SECOND READING OF SENATE BILL

SB 2375: A BILL for an Act to create and enact a new section to chapter 57-43.2 of the North Dakota Century Code, relating to use of dyed special fuels by cities.

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 88 YEAS, 2 NAYS, 0 EXCUSED, 4 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; Froseth; Glassheim; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Speaker Monson

NAYS: Delzer; Skarphol

ABSENT AND NOT VOTING: Froelich; Kempenich; Nathe; Zaiser

SB 2375 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2426: A BILL for an Act to amend and reenact section 65-05-09.4 of the North Dakota Century Code, relating to workers' compensation additional benefit payable; and to provide for application.

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 31 YEAS, 59 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Boehning; Boucher; Conklin; Conrad; Delmore; Ekstrom; Griffin; Gruchalla; Holman; Hunsakor; Karls; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kroeber; Meyer, S.; Mock; Mueller; Myxter; Onstad; Pietsch; Pinkerton; Schmidt; Schneider; Thorpe; Vig; Winrich; Wolf

NAYS: Bellew; Berg; Boe; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Glassheim; Grande; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Nelson; Nottestad; Pollert; Porter; Potter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Kempenich; Nathe; Zaiser

Engrossed SB 2426 lost.

SECOND READING OF SENATE BILL

SB 2033: A BILL for an Act to amend and reenact section 57-38-01.8 of the North Dakota Century Code, relating to an income tax credit for installation of geothermal, solar, wind, or biomass energy devices; 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 89 YEAS, 1 NAYS, 0 EXCUSED, 4 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; Froseth; Glassheim; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Speaker Monson

NAYS: Skarphol

ABSENT AND NOT VOTING: Froelich; Kempenich; Nathe; Zaiser

Engrossed SB 2033, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2099: A BILL for an Act to create and enact subsection 5 of section 43-25-02 of the North Dakota Century Code, relating to the definition of remote education; and to amend and reenact subsection 2 of section 43-25-02 and sections 43-25-03, 43-25-04, 43-25-05, 43-25-05.1, 43-25-06, 43-25-07, 43-25-09, 43-25-10, 43-25-13, 43-25-14, and 43-25-18 of the North Dakota Century Code, relating to regulating the practice of massage.

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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Froseth; Glassheim; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemmin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; 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; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Kempenich; Nathe; Zaiser

SB 2099, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2110: A BILL for an Act to create and enact two new sections to chapter 54-60 of the North Dakota Century Code, relating to the rural development office and the North Dakota rural development council; to amend and reenact sections 10-30.5-04, 54-34.3-01, 54-34.3-03, and 54-34.3-04, subsection 2 of section 54-34.3-13, sections 54-34.3-15, 54-34.4-01, and 54-34.4-02, subsection 1 of section 54-34.4-03, section 54-60-03, subsection 3 of section 54-60-04, and sections 54-60-06 and 54-60-17 of the North Dakota Century Code, relating to the powers of the North Dakota Development Fund, Incorporated, the department of commerce division of economic development and finance, the department of commerce division of tourism, the state tourism policy, the commissioner of commerce, the North Dakota economic development foundation, the North Dakota commerce cabinet, and the department of commerce division of workforce development; and to repeal sections 54-34.3-05, 54-34.4-04, and 54-60-11 of the North Dakota Century Code, relating to the finance office, the motion picture development office, and target industries.

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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Froseth; Glassheim; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemmin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; 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; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Kempenich; Nathe; Zaiser

Engrossed SB 2110, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2117: A BILL for an Act to amend and reenact subsection 1 of section 43-30-02 of the North Dakota Century Code, relating to exception from licensure as a private investigative or private security officer.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 88 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Boehning; Klemmin

NAYS: Amerman; Bellew; Belter; Berg; Boe; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; 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; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Kempenich; Nathe; Zaiser

Engrossed SB 2117, as amended, lost.

SECOND READING OF SENATE BILL

SB 2158: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance services provided by advanced registered nurse practitioners and physician assistants; to provide for legislative intent; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Froseth; Glassheim; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; 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; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Kempenich; Nathe; Zaiser

Engrossed SB 2158, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2419: A BILL for an Act to amend and reenact subdivision b of subsection 2 of section 65-05.1-06.1 of the North Dakota Century Code, relating to workers' compensation vocational rehabilitation awards; and to provide for application.

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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Froseth; Glassheim; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; 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; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Kempenich; Nathe; Zaiser

Engrossed SB 2419, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2026: A BILL for an Act to amend and reenact section 28-32-15 of the North Dakota Century Code, relating to filing dates for administrative rules; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; 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; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Kempenich; Nathe; Zaiser

SB 2026 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2135: A BILL for an Act to amend and reenact section 54-11-01 of the North Dakota Century Code, relating to the duties and powers of 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; 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; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Kempenich; Nathe; Zaiser

Engrossed SB 2135 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2140: A BILL for an Act to amend and reenact subsection 18 of section 38-14.1-24 and subsection 2 of section 38-14.2-14 of the North Dakota Century Code, relating to the time period for successful revegetation on lands permitted for surface coal mining and reclamation operations and limitations for filing liens on abandoned mine lands that are reclaimed.

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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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; 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.; Kerzman; Kilichowski; Kingsbury; Klein;

Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; 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; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Kempenich; Nathe; Zaiser

SB 2140 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2149: A BILL for an Act to amend and reenact sections 39-04-10.8, 39-04-10.11, and 39-04-10.12, subsection 3 of section 39-04-10.13, sections 39-04-14 and 39-04-14.1, subdivision j of subsection 2 of section 39-04-18, subsection 3 of section 39-04-19, and sections 39-04-22, 39-04-23, and 39-04-26 of the North Dakota Century Code, relating to motor vehicle registered gross weight.

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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; 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; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Kempenich; Nathe; Zaiser

SB 2149 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2150: A BILL for an Act to amend and reenact subsection 1 of section 39-04-02 and subdivision f of subsection 1 of section 39-05-05 of the North Dakota Century Code, relating to use of the owner's legal name for motor vehicle 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 80 YEAS, 10 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Boe; Delmore; Delzer; Drovdal; Grande; Klein; Meyer, S.; Vigesaa; Wieland; Wrangham

ABSENT AND NOT VOTING: Froelich; Kempenich; Nathe; Zaiser

SB 2150 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2254: A BILL for an Act to amend and reenact section 61-16.1-40.1 of the North Dakota Century Code, relating to maintenance of federal water management projects.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 5 NAYS, 0 EXCUSED, 4 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; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Heller; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Speaker Monson

NAYS: Delzer; Headland; Skarphol; Weiler; Wrangham

ABSENT AND NOT VOTING: Froelich; Kempenich; Nathe; Zaiser

SB 2254 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2299: A BILL for an Act to create and enact a new section to chapter 43-01 of the North Dakota Century Code, relating to utility easement abstracts.

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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Froseth; Glassheim; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; 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; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Kempenich; Nathe; Zaiser

Engrossed SB 2299 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2377: A BILL for an Act to amend and reenact subdivision b of subsection 2 of section 57-62-02 of the North Dakota Century Code, relating to allocation of money in the coal development 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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 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; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.;

Mock; Mueller; Myxter; 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; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Kelsh, S.; Kempenich; Nathe; Zaiser

SB 2377 passed and the title was agreed to.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1036, HB 1062, HB 1078, HB 1086, HB 1127, HB 1131, HB 1136, HB 1199.

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

MR. PRESIDENT: The Speaker has signed: SB 2029, SB 2031, SB 2032, SB 2039, SB 2048, SB 2055, SB 2056, SB 2057, SB 2058, SB 2071, SB 2073, SB 2074, SB 2077, SB 2078, SB 2079, SB 2080, SB 2093, SB 2102, SB 2104, SB 2106, SB 2111, SB 2113, SB 2119, SB 2120, SB 2122, SB 2130, SB 2134, SB 2136, SB 2144, SB 2145, SB 2180, SB 2193.

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

MR. PRESIDENT: The House has passed unchanged: SB 2037, SB 2045, SB 2086, SB 2088, SB 2105, SB 2107, SB 2108, SB 2109, SB 2115, SB 2164, SB 2167, SB 2174, SB 2203, SB 2215, SB 2325, SB 2347.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2059, SB 2431, SB 2432, SB 2433.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2039, SB 2048, SB 2102, SB 2104, SB 2106, SB 2119, SB 2120, SB 2122, SB 2144, SB 2145.

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

MR. SPEAKER: The President has signed: HB 1036, HB 1062, HB 1078, HB 1086, HB 1127, HB 1131, HB 1136, HB 1199.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1125, HB 1216, HB 1298, HB 1448.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1125

Page 1, line 11, replace "and" with an underscored semicolon

Page 1, line 12, after "game" insert "threatening human health or domestic livestock"

Page 1, line 13, remove "and domestic livestock"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1216

Page 1, line 1, after "20.1-03-07" insert "and section 20.1-03-07.1"

Page 1, line 2, after "hunting" insert "and nonresident waterfowl hunting"

Page 1, line 8, overstrike "period of fourteen consecutive days or any"

Page 1, after line 13, insert:

"SECTION 2. AMENDMENT. Section 20.1-03-07.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-07.1. Nonresident waterfowl hunting license required. Except as provided in sections 20.1-02-05, 20.1-03-07.2, and 20.1-03-07.3, a nonresident may not hunt waterfowl unless that individual first obtains a nonresident waterfowl hunting license. However, a nonresident may hunt cranes after first obtaining a nonresident waterfowl hunting license or a nonresident small game hunting license. Except as otherwise provided in this section, the nonresident waterfowl hunting license entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days ~~or~~, any two

periods of seven consecutive days each, or any three periods of five consecutive days each. A license authorizing the fourteen-day hunting period allows hunting in a specified waterfowl hunting zone. A license authorizing two 7-day hunting periods or three 5-day hunting periods allows hunting in a specified zone during each period. Upon payment of the fee for a statewide nonresident waterfowl hunting license, a nonresident may hunt waterfowl in any zone. Forty dollars of the fee for a statewide nonresident waterfowl license must be used for the private land open to sportsmen program. The governor, in the governor's proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. A nonresident is entitled to purchase only one nonresident waterfowl hunting license per year. The fourteen-day and, two 7-day, and three 5-day hunting period restrictions do not apply to nonresidents hunting in Richland and Sargent Counties during the early September Canada goose season."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1298

Page 1, line 5, after "reenact" insert "subsection 2 of section 10-01.1-03," after the second comma insert "subsection 5 of section 10-15-38," after "sections" insert "10-15-52.3," and after "10-19.1-01" insert a comma

Page 1, line 6, remove "and" and after the first comma insert "and 10-19.1-23,"

Page 1, line 8, after the third comma insert "subsection 3 of section 10-19.1-104.4,"

Page 1, line 9, replace the first comma with "and", replace "and" with "subsection 2 of section 10-19.1-137, section", and after the third comma insert "subsection 26 of section 10-19.1-147,"

Page 1, line 10, replace the second "section" with "sections" and replace the fifth comma with "and 10-32-20,"

Page 1, line 13, after the second comma insert "subsection 3 of section 10-32-108.4,"

Page 1, line 14, after the first comma insert "subsection 3 of section 10-32-140," and after the second comma insert "section 10-32-150,"

Page 1, line 15, replace the first "section" with "sections" and replace the second comma with "and 10-33-18,"

Page 1, line 16, after the third comma insert "section 10-33-130,"

Page 1, line 17, after the first comma insert "subsection 2 of section 10-33-140,"

Page 1, line 18, after the second comma insert "subsection 8 of section 45-10.2-24,"

Page 1, line 19, after the first comma insert "subsection 2 of section 45-10.2-81, subsection 3 of section 45-10.2-97, subsection 26 of section 45-10.2-109,"

Page 1, line 20, after the second comma insert "subsection 2 of section 45-22-22,"

Page 1, line 21, remove the first "and" and after "45-23-01" insert ", and subsection 26 of section 45-23-08"

Page 2, after line 1, insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 10-01.1-03 of the North Dakota Century Code is amended and reenacted as follows:

2. The secretary of state shall collect the following fees for copying and certifying a copy of any document filed under this chapter:
 - a. ~~One dollar for every four pages, or fraction thereof, The fee provided in section 54-09-04 for copying a record;~~
 - b. Fifteen dollars for furnishing a certificate; and
 - c. Five dollars for a search of records when supplying copies, certification, or written verification of facts."

Page 3, after line 16, insert:

"SECTION 4. AMENDMENT. Subsection 5 of section 10-15-38 of the North Dakota Century Code is amended and reenacted as follows:

5. A cooperative that amends its name and is the owner of a service mark, trademark, or trade name, is a general partner named in a fictitious name certificate, or is a general partner in a limited partnership which is on file with the secretary of state, must change or amend its name in each registration when it files an amendment.

SECTION 5. AMENDMENT. Section 10-15-52.3 of the North Dakota Century Code is amended and reenacted as follows:

10-15-52.3. Amended certificate of authority. A foreign cooperative authorized to transact business in this state must procure an amended certificate of authority if it changes its cooperative name or desires to pursue in this state purposes other than those set forth in its prior application for a certificate of authority by making application to the secretary of state.

The requirements in respect to the application and the issuance of an amended certificate of authority and the effect thereof are the same as an original application for a certificate of authority.

In addition, an application must be accompanied by a certificate of fact of amendment duly authenticated by the proper officer of the state or country where the cooperative is incorporated.

A foreign cooperative which amends its name and applies for an amended certificate of authority, and is the owner of a service mark, trademark, or trade name, is a general partner named in a fictitious name certificate, or is a general partner in a limited partnership which is on file with the secretary of state, must change or amend its name in each registration when it files an application for an amended certificate of authority."

Page 20, after line 26, insert:

"SECTION 8. AMENDMENT. Section 10-19.1-23 of the North Dakota Century Code is amended and reenacted as follows:

10-19.1-23. Filing articles of amendment. An original of the articles of amendment must be filed with the secretary of state. If the secretary of state finds that the articles of amendment conform to law and all fees have been paid as provided under section 10-19.1-147, the articles of amendment must be recorded in the office of the secretary of state. A corporation that amends the corporate name and is the owner of a service mark, trademark, or trade name, is a general partner named in a fictitious name certificate, or is a general partner in a limited partnership or a limited liability limited partnership, or is a managing partner of a limited liability partnership that is on file with the secretary of state must change or amend the corporation's name in each registration when the corporation files an amendment."

Page 28, after line 15, insert:

"SECTION 17. AMENDMENT. Subsection 3 of section 10-19.1-104.4 of the North Dakota Century Code is amended and reenacted as follows:

3. A converting organization that is the owner of a service mark, trademark, or trade name, is a general partner named in a fictitious name certificate, is a general partner in a limited partnership or a limited liability limited partnership, or is a managing partner in a limited liability partnership that is on file with the secretary of state must change or amend the name of the converting organization to the name of the converted organization in each registration when filing the articles of conversion."

Page 29, after line 16, insert:

"SECTION 21. AMENDMENT. Subsection 2 of section 10-19.1-137 of the North Dakota Century Code is amended and reenacted as follows:

2. A foreign corporation that changes the foreign corporation's name and applies for an amended certificate of authority, and is the owner of a service mark, trademark, or trade name, is a general partner named in a fictitious name certificate, is a general partner in a limited partnership or limited liability limited partnership, or is a managing partner in a limited liability partnership that is on file with the secretary of state, shall change the foreign corporation's name in each of the foregoing registrations that is applicable when the foreign corporation files an application for an amended certificate of authority."

Page 32, after line 25, insert:

"SECTION 23. AMENDMENT. Subsection 26 of section 10-19.1-147 of the North Dakota Century Code is amended and reenacted as follows:

26. Furnishing a certified copy of any record, instrument, or paper relating to a corporation, ~~one dollar for every four pages or fraction~~ the fee provided in section 54-09-04 for copying a record and fifteen dollars for the certificate and affixing the seal thereto."

Page 47, after line 10, insert:

"SECTION 30. AMENDMENT. Section 10-32-20 of the North Dakota Century Code is amended and reenacted as follows:

10-32-20. Filing of articles of amendment. An original of the articles of amendment must be filed with the secretary of state. If the secretary of state finds that the articles of amendment conform to law, and that all fees have been paid as provided in section 10-32-150, then the articles of amendment must be recorded in the office of the secretary of state. A limited liability company that amends its name and which is the owner of a service mark, trademark, or trade name, is a general partner named in a fictitious name certificate, is a general partner in a limited partnership or a limited liability limited partnership, or is a managing partner of a limited liability partnership that is on file with the secretary of state must change or amend the limited liability company's name in each registration when the limited liability company files an amendment."

Page 53, after line 30, insert:

"SECTION 38. AMENDMENT. Subsection 3 of section 10-32-108.4 of the North Dakota Century Code is amended and reenacted as follows:

3. A converting organization that is the owner of a service mark, trademark, or trade name, is a general partner named in a fictitious name certificate, is a general partner in a limited partnership or a limited liability limited partnership, or is a managing partner of a limited liability partnership that is on file with the secretary of state must change or amend the name of the converting organization to the name of the converted organization in each registration when filing the articles of conversion."

Page 56, after line 28, insert:

"SECTION 43. AMENDMENT. Subsection 3 of section 10-32-140 of the North Dakota Century Code is amended and reenacted as follows:

3. A foreign limited liability company that changes the foreign limited liability company's name and applies for an amended certificate of authority and that is the owner of a service mark, trademark, or trade name, a general partner named in a fictitious name certificate, a general partner in a limited partnership or a limited liability limited partnership, or a managing partner in a limited liability partnership that is on file with the secretary of state shall change the foreign limited liability company's name in each of the foregoing registrations which is applicable when the foreign limited liability company files an application for an amended certificate of authority."

Page 57, after line 24, insert:

"SECTION 45. AMENDMENT. Section 10-32-150 of the North Dakota Century Code is amended and reenacted as follows:

10-32-150. Secretary of state - Fees and charges. The secretary of state shall charge and collect for:

1. Filing articles of organization and issuing a certificate of organization, one hundred thirty-five dollars.
2. Filing articles of amendment, fifty dollars.
3. Filing articles of correction, fifty dollars.
4. Filing restated articles of organization, one hundred twenty-five dollars.
5. Filing articles of conversion of a limited liability company, fifty dollars and:
 - a. If the organization resulting from the conversion will be a domestic organization governed by the laws of this state, then the fees provided by the governing laws to establish or register a new organization like the organization resulting from the conversion; or
 - b. If the organization resulting from the conversion will be a foreign organization that will transact business in this state, then the fees provided by the governing laws to obtain a certificate of authority or register an organization like the organization resulting from the conversion.
6. Filing abandonment of conversion, fifty dollars.
7. Filing articles of merger and issuing a certificate of merger, fifty dollars.
8. Filing abandonment of merger or exchange, fifty dollars.
9. Filing an application to reserve a name, ten dollars.
10. Filing a notice of transfer of a reserved name, ten dollars.
11. Filing a cancellation of reserved name, ten dollars.
12. Filing a consent to use of name, ten dollars.
13. Filing a statement of change of address of registered office or change of registered agent or both, or a statement of change of address of registered office by registered agent, the fee provided in section 10-01.1-03.
14. Filing a resolution for the establishment of a class or series of membership interests, fifty dollars.
15. Filing a notice of dissolution, ten dollars.
16. Filing a statement of revocation of voluntary dissolution proceedings, ten dollars.
17. Filing articles of dissolution and termination, twenty dollars.
18. Filing an application of a foreign limited liability company for a certificate of authority to transact business in this state and issuing a certificate of authority, one hundred thirty-five dollars.
19. Filing an amendment to the certificate of authority by a foreign limited liability company, fifty dollars.
20. Filing a certificate of fact stating a merger of a foreign limited liability company holding a certificate of authority to transact business in this state, fifty dollars.
21. Filing a certified statement of conversion of a foreign limited liability company, fifty dollars.
22. Filing an application for withdrawal of a foreign limited liability company and issuing a certificate of withdrawal, twenty dollars.

23. Filing an annual report of a limited liability company or foreign limited liability company, fifty dollars.
 - a. The secretary of state shall charge and collect additional fees for late filing of the annual report as follows:
 - (1) After the date provided in subsection 3 of section 10-32-149, fifty dollars; and
 - (2) After the termination of the limited liability company, or the revocation of the certificate of authority of a foreign limited liability company, the reinstatement fee of one hundred twenty-five dollars.
 - b. Fees paid to the secretary of state according to this subsection are not refundable if an annual report submitted to the secretary of state cannot be filed because it lacks information required by section 10-32-149, or the annual report lacks sufficient payment as required by this subsection.
24. Filing any process, notice, or demand for service, the fee provided in section 10-01.1-03.
25. Submitting any record for approval before the actual time of submission for filing, one-half of the fee provided in this section for filing the record.
26. Filing any other statement or report of a limited liability company or foreign limited liability company, ten dollars.
27. Furnishing a copy of any record, or paper relating to a limited liability company or a foreign limited liability company:
 - a. ~~One dollar for every four pages, or fraction thereof~~ The fee provided in section 54-09-04 for copying a record; and
 - b. Five dollars for a search of records.
28. Furnishing a certificate of good standing, existence, or authorization:
 - a. Fifteen dollars; and
 - b. Five dollars for a search of records.
29. ~~Each page of any record or form sent by electronic transmission, one dollar.~~

Page 65, after line 14, insert:

"SECTION 48. AMENDMENT. Section 10-33-18 of the North Dakota Century Code is amended and reenacted as follows:

10-33-18. Filing articles of amendment. An original of the articles of amendment must be filed with the secretary of state. If the secretary of state finds that the articles of amendment conform to the filing requirements of this chapter and that all fees have been paid as provided in section 10-33-140, then the articles of amendment must be recorded in the office of the secretary of state. A corporation that amends the corporate name and which is the owner of a service mark, trademark, or trade name, is a general partner named in a fictitious name certificate, is a general partner in a limited partnership or a limited liability limited partnership, or is a managing partner of a limited liability partnership that is on file with the secretary of state must change or amend the corporation's name in each registration when the corporation files an amendment."

Page 68, after line 3, insert:

"SECTION 54. AMENDMENT. Section 10-33-130 of the North Dakota Century Code is amended and reenacted as follows:

10-33-130. Foreign corporation - Amendments to the certificate of authority. If any statement in the application for a certificate of authority by a foreign corporation is false when made or any arrangements or other facts described change,

making the application inaccurate in any respect, the foreign corporation shall promptly file with the secretary of state an application for an amended certificate of authority executed by an authorized person correcting the statement and, in the case of a change in the foreign corporation's name, a certificate to that effect authenticated by the proper officer of the jurisdiction under the laws of which the foreign corporation is incorporated. In the case of a dissolution or merger, a foreign corporation that is not the surviving organization need not file an application for an amended certificate of authority but shall promptly file with the secretary of state a certificate to that effect authenticated by the proper officer of the jurisdiction under the laws of which the foreign corporation is incorporated. A foreign nonprofit corporation that changes the foreign nonprofit corporation's name and applies for an amended certificate of authority and that is the owner of a service mark, trademark, or trade name, a general partner named in a fictitious name certificate, a general partner in a limited partnership or a limited liability limited partnership, or a managing partner in a limited liability partnership that is on file with the secretary of state shall change the foreign nonprofit corporation's name in each of the foregoing registrations that apply if the foreign nonprofit corporation files an application for an amended certificate of authority."

Page 68, after line 28, insert:

"SECTION 56. AMENDMENT. Subsection 2 of section 10-33-140 of the North Dakota Century Code is amended and reenacted as follows:

2. The secretary of state shall charge and collect:
 - a. For furnishing a certified copy of any record, instrument, or paper relating to a corporation, ~~one dollar for every four pages or fraction thereof~~ the fee provided in section 54-09-04 for copying a record and fifteen dollars for the certificate and affixing the seal to the certificate.
 - b. At the time of any service of process on the secretary of state as resident agent of a corporation, twenty-five dollars, which may be recovered as taxable costs by the party to the claim for relief causing the service to be made if that party prevails in the suit or action."

Page 75, line 2, replace "one dollar for every four pages or fraction" with "the fee provided in section 54-09-04 for copying a record"

Page 75, line 3, remove "thereof"

Page 83, after line 30, insert:

"SECTION 62. AMENDMENT. Subsection 8 of section 45-10.2-24 of the North Dakota Century Code is amended and reenacted as follows:

8. A limited partnership that files an amendment to change its name and which is the owner of a service mark, trademark, or trade name, is a general partner named in a fictitious name certificate, is a general partner in another limited partnership or limited liability limited partnership, or is a managing partner in a limited liability partnership that is on file with the secretary of state shall change the name of the limited partnership in each of the foregoing registrations that is applicable when the limited partnership files an amendment to the certificate of limited partnership."

Page 85, after line 20, insert:

"SECTION 65. AMENDMENT. Subsection 2 of section 45-10.2-81 of the North Dakota Century Code is amended and reenacted as follows:

2. A foreign limited partnership that changes its name and applies for an amended certificate of authority and which is the owner of a service mark, trademark, or trade name, is a general partner named in a fictitious name certificate, is a general partner in another limited partnership or limited liability limited partnership, or is a managing partner in a limited liability partnership that is on file with the secretary of state, shall change the name of the foreign limited partnership in each of the foregoing registrations that is applicable when the foreign limited partnership files an application for an amended certificate of authority.

SECTION 66. AMENDMENT. Subsection 3 of section 45-10.2-97 of the North Dakota Century Code is amended and reenacted as follows:

3. A converting organization that is the owner of a service mark, trademark, or trade name, is a general partner named in a fictitious name certificate, or is a general partner in a limited partnership that is on file with the secretary of state must change or amend the name of the converting organization to the name of the converted organization in each registration when filing the articles of conversion.

SECTION 67. AMENDMENT. Subsection 26 of section 45-10.2-109 of the North Dakota Century Code is amended and reenacted as follows:

26. Furnishing a certified copy of any record, or paper relating to a limited partnership or foreign limited partnership:
 - a. ~~One dollar for every four pages or fraction of~~ The fee provided in section 54-09-04 for copying a record;
 - b. Fifteen dollars for the certificate and affixing the seal thereto; and
 - c. Five dollars for a search of records."

Page 93, after line 31, insert:

"SECTION 73. AMENDMENT. Subsection 2 of section 45-22-22 of the North Dakota Century Code is amended and reenacted as follows:

2. The secretary of state shall charge and collect for:
 - a. Furnishing a copy of any record or paper relating to a domestic limited liability partnership or foreign limited liability partnership, ~~one dollar for every four pages, or fraction of pages~~ the fee provided in section 54-09-04 for copying a record.
 - b. A certificate certifying a copy or reciting facts related to a domestic limited liability partnership or foreign limited liability partnership, fifteen dollars.
 - c. ~~Each page of any record or form sent by electronic transmission, one dollar."~~

Page 97, after line 17, insert:

"SECTION 76. AMENDMENT. Subsection 26 of section 45-23-08 of the North Dakota Century Code is amended and reenacted as follows:

26. Furnishing a certified copy of any record or paper relating to a limited partnership or foreign limited partnership:
 - a. ~~One dollar for every four pages or fraction of~~ The fee provided in section 54-09-04 for copying a record;
 - b. Fifteen dollars for the certificate and affixing the seal thereto; and
 - c. Five dollars for a search of records."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1448

Page 1, line 2, after "agricultural" insert "or commercial"

Page 1, line 10, after "agricultural" insert "or commercial"

Page 1, line 11, after "Agricultural" insert "or commercial"

Page 1, line 17, after "agricultural" insert "or commercial"

Page 2, line 2, after "agricultural" insert "or commercial"

Renumber accordingly

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 1549.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1549

Page 1, line 2, after "hemp" insert "; and to declare an emergency"

Page 2, after line 19, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HCR 3004.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Tuesday, March 10, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2053, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2053 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2061, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2061 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2100: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2100 was placed on the Sixth order on the calendar.

Page 1, line 17, after "program" insert "at the time of issuance"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2103: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2103 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2121: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2121 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2141, as engrossed: 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). Engrossed SB 2141 was placed on the Sixth order on the calendar.

Page 1, line 3, after "exploration" insert "; to provide for a legislative council study; and to provide for a penalty"

Page 2, line 13, replace "articles in the North Dakota Administrative Code which are" with "laws and regulations relating to air, water, and land management"

Page 2, line 15, after "operations" insert "- Penalties"

Page 2, line 18, after the underscored period insert "Service of the notice of drilling operations must conform to personal service provisions in rule 4 of the North Dakota Rules of Civil Procedure. If the mineral developer fails to provide the proper notice, the surface owner may petition the industrial commission to fix a date for a hearing and give notice. Following the notice and hearing, the commission, as provided for in sections 38-08-16 and 38-08-17, may conduct investigations, restrain from further violation, and impose civil and criminal penalties."

Page 3, line 29, replace "reasonable" with "double"

Page 5, after line 19, insert:

"SECTION 2. LEGISLATIVE COUNCIL STUDY - ALTERNATIVES TO SETTLEMENTS WHEN REJECTED. During the 2009-10 interim, the legislative council shall consider studying alternatives to damage and disruption payment settlement if the person seeking compensation rejects the offer of the mineral developer. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2156: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2156 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2159: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2159 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2169: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2169 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2181: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2181 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2200: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2200 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2245, as engrossed: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2245 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2261: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2261 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2264, as engrossed: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2264 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2279: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2279 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "or investigating agency", overstrike "may" and insert immediately thereafter "or investigating agency shall", and after "a" insert "completed"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2376, as engrossed: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2376 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3056: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3056 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "state" with "local" and replace "team" with "teams"

Page 1, line 6, replace "state" with "local" and replace "team plays" with "teams play"

Page 1, line 13, replace "state" with "local" and replace "team" with "teams"

Renumber accordingly

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

Buell J. Reich, Chief Clerk

