

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

Bismarck, March 9, 2009

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

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** has carefully examined the Journal of the Thirty-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 651, after line 32, insert:

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.

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

MOTION

SEN. CHRISTMANN MOVED that a committee of two be appointed to escort Miss North Dakota, Tessie Jones, to the rostrum, which motion prevailed. The President appointed Sens. J. Lee and Triplett.

REMARKS OF MISS NORTH DAKOTA, TESSIE JONES

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 home town 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 the 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

SEN. CHRISTMANN MOVED that the remarks of Miss Tessie Jones, Miss North Dakota, be printed in the Journal, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that HB 1414 be returned to the Senate floor from the **Appropriations Committee**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1053, as engrossed: SEN. OLAFSON (Political Subdivisions Committee) MOVED that the amendments on SJ page 673 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1063: SEN. ANDRIST (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 673 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1129, as engrossed: SEN. DOTZENROD (Political Subdivisions Committee) MOVED that the amendments on SJ pages 673-674 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1145, as engrossed: SEN. HECKAMAN (Human Services Committee) MOVED that the amendments on SJ page 674 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1249, as engrossed: SEN. HOGUE (Finance and Taxation Committee) MOVED that the amendments on SJ page 674 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1303, as engrossed: SEN. DEVER (Human Services Committee) MOVED that the amendments on SJ page 675 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that HB 1437, which is on the Sixth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1437 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1307, as engrossed: SEN. HECKAMAN (Human Services Committee) MOVED that the amendments on SJ pages 675-676 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1378: SEN. BAKKE (Education Committee) MOVED that the amendments on SJ page 676 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1463, as engrossed: SEN. FLAKOLL (Education Committee) MOVED that the amendments on SJ page 677 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1048: A BILL for an Act to create and enact a new section to chapter 37-17.1 of the North Dakota Century Code, relating to intrastate mutual aid; and to repeal sections 37-17.1-24 and 37-17.1-25 of the North Dakota Century Code, relating to mutual intrastate mutual aid agreements.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1048 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1027: A BILL for an Act to create and enact section 54-16-04.3 of the North Dakota Century Code, relating to powers and duties of the emergency commission and budget section; to amend and reenact section 54-16-03.1 of the North Dakota Century Code, relating to emergency commission requests; to provide an effective date; and to declare an emergency.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1027 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1064: A BILL for an Act to amend and reenact sections 65-05-09, 65-05.2-01, and 65-05.2-02 of the North Dakota Century Code, relating to cost-of-living adjustments for workers' compensation total disability benefits; to provide for application; to provide an effective date; and to declare an emergency.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1064 passed, the title was agreed to, and the emergency clause was declared carried.

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 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: O'Connell; Robinson

HB 1345 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1101: A BILL for an Act to amend and reenact subsection 10 of section 65-05-08, sections 65-05-08.2, 65-05-09, and 65-05-10, subsection 4 of section 65-05-15, and sections 65-05-17 and 65-05-26 of the North Dakota Century Code, relating to workers' compensation dependency allowances, preacceptance disability benefits, maximum disability benefits, travel and other reimbursement, death benefits, and burial expenses; 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 PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1101 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1153: A BILL for an Act to amend and reenact subsection 1 of section 39-04-19, sections 39-04-39.3 and 39-05-30, and subsection 3 of section 39-16-10 of the North Dakota Century Code, relating to deposit of mile tax fees, motor vehicle registration fee collection agreements with home rule cities, payment of salary and expenses, and payments and refunds from funds on deposit with the Bank of North Dakota.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1153 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1130: A BILL for an Act to amend and reenact subsection 2 of section 54-27-19 of the North Dakota Century Code, relating to vehicle registrations for purposes of highway tax distribution fund allocations.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1130 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1135: A BILL for an Act to amend and reenact section 57-40.6-12 of the North Dakota Century Code, relating to membership of the emergency services communications coordinating committee.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Triplett

Reengrossed HB 1135 passed and the title was agreed to.

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 bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1223 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1257: A BILL for an Act to amend and reenact subsection 2 of section 11-09.1-05 and subsection 2 of section 40-05.1-06 of the North Dakota Century Code, relating to

prohibiting use of home rule authority to impose higher or lower property tax rates for certain properties; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1257 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1277: A BILL for an Act to create and enact a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to allowance of the income tax credit on the form ND-1 income tax return for installation of geothermal energy devices; 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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Christmann

HB 1277 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1289: A BILL for an Act to create and enact a new subsection to section 57-39.2-01 of the North Dakota Century Code, relating to definition of irrigation equipment repair parts; to amend and reenact subsection 45 of section 57-39.2-04 and section 57-39.5-02 of the North Dakota Century Code, relating to an exemption from sales, use, and farm machinery gross receipts taxes for sales of irrigation equipment repair parts used exclusively for agricultural purposes; 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 NOT PASS, the roll was called and there were 28 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bakke; Behm; Bowman; Dotzenrod; Erbele; Fiebiger; Freborg; Heckaman; Horne; Kilzer; Klein; Krauter; Krebsbach; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Wanzek; Warner

NAYS: Anderson; Andrist; Christmann; Cook; Dever; Fischer; Flakoll; Grindberg; Hogue; Holmberg; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Stenehjem; Wardner

HB 1289 passed and the title was agreed to.

DEEMED RECONSIDERED AND REFERRED

PRESIDENT DALRYMPLE STATED that HB 1289 is deemed reconsidered and must be referred to the **Appropriations Committee** under Senate Rule 329(3).

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 bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1291 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1296: A BILL for an Act to amend and reenact subsection 1 of section 27-08.1-01 and section 27-08.1-03 of the North Dakota Century Code, relating to limits on small claims court actions.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1296 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1340: A BILL for an Act to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to metropolitan planning organizations; and to amend and reenact section 24-01-04 of the North Dakota Century Code, relating to master street plans developed by municipalities.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1340 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1367: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-03 of the North Dakota Century Code, relating to local permits and charity local permits.

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 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Holmberg; Lee, G.

HB 1367 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1420: A BILL for an Act to amend and reenact section 40-40-10 of the North Dakota Century Code, relating to certified copies of the municipal levy and final budget being sent to the county auditor.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1420 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1460: A BILL for an Act to create a state property and institution alternative use grant 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed HB 1460 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1497: A BILL for an Act to provide for a legislative council study of the feasibility and desirability of transferring from the county to the state the responsibility for the cost of and responsibility for providing legal counsel in cases involving the commitment of sexually dangerous individuals.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1497 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1541: A BILL for an Act to amend and reenact subsection 1 of section 16.1-08.1-03.10 of the North Dakota Century Code, relating to contribution statements for county office candidates.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 13 YEAS, 34 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Dotzenrod; Erbele; Heckaman; Klein; Krauter; Lindaas; Marcellais; Mathern; Olafson; Robinson; Seymour; Taylor

NAYS: Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Horne; Kilzer; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Pomeroy; Potter; Schneider; Stenehjem; Triplett; Wanzek; Wardner; Warner

HB 1541 lost.

SECOND READING OF HOUSE BILL

HB 1566: A BILL for an Act to require that the commissioner of higher education study the interplay between the North Dakota university system and tribally controlled community colleges.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1566 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has amended and your favorable consideration is requested on: HB 1125, HB 1216, HB 1298, HB 1448.

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.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3004.

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.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2059

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 3, after "review" insert "or settlement proposal"

Page 3, after line 2, insert:

"SECTION 2. A new section to chapter 65-02 of the North Dakota Century Code is created and enacted as follows:

Attorney's fees for legal review of proposed settlement. The organization shall pay up to five hundred dollars to an attorney for review of a proposed settlement offered to an injured employee, if the employee to whom the settlement is offered was not represented by an attorney at the time the offer was made. Subdivisions d and e of subsection 2 of section 1 of this Act apply to the payment of fees under this section. The organization may reimburse an attorney for costs under this section according to subsections 3, 4, and 5 of section 1 of this Act. Fees and costs under this section are payable regardless of whether the injured employee accepts the settlement proposal."

Page 3, line 9, after the period insert "Section 2 of this Act applies to settlement proposals offered on or after the effective date of this Act."

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2431

Page 1, line 10, after "a" insert "duly qualified"

Page 1, line 11, after "a" insert "duly qualified"

Page 1, line 12, after the second "a" insert "duly qualified"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2432

Page 1, line 1, replace "subsection" with "subsections 1 and"

Page 1, line 4, replace "Subsection" with "Subsections 1 and"

Page 1, line 5, replace "is" with "are" and after the colon insert:

- "1. During the first ~~sixty~~ thirty days after a work injury, an employee of an employer who has selected a preferred provider under this section may seek medical treatment only from the preferred provider for the injury. Treatment by a provider other than the preferred provider is not compensable and the organization may not pay for treatment by a provider who is not a preferred provider, unless a referral was made by the preferred provider. A provider who is not a preferred provider may not certify disability or render an opinion about any matter pertaining to the injury, including causation, compensability, impairment, or disability. This section does not apply to emergency care nor to any care the employee reasonably did not know was related to a work injury."

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2433

Page 1, line 1, remove "create and enact a new section to chapter 65-05.1 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "vocational rehabilitation services; and to"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 6

Renumber accordingly

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 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: 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 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.

MOTION

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

REPORT OF STANDING COMMITTEE

HB 1029, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1029 was placed on the Sixth order on the calendar.

Page 2, line 2, remove "compensation for services provided to the state and is"

Page 3, line 16, remove "compensation for"

Page 3, line 17, remove "services provided to the state and is"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1030: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1030 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1072: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1072 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1110, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1110 was placed on the Sixth order on the calendar.

Page 2, line 18, replace "hundred" with "thousand"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1115: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1115 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1117: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1117 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1118: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1118 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1122: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1122 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1132: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1132 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1149, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1149 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1150: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1150 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1163: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1163 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1164: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1164 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1220, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1220 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1270, as reengrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1270 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1287: Transportation Committee (Sen. G. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1287 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1326, as engrossed: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1326 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1482: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1482 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3001: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3001 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3044: A concurrent resolution directing the Legislative Council to study the allocation of wind rights.

Was read the first time and referred to the **Natural Resources Committee**.

HCR 3045: A concurrent resolution directing the Legislative Council to study severed and abandoned mineral rights.

Was read the first time and referred to the **Natural Resources Committee**.

HCR 3048: A concurrent resolution directing the Legislative Council to study the bonding requirements placed on grain warehouses and buyers; ways to reduce further the financial risk of participants in the production, handling, and processing of grain; and the sale of grain to ethanol plants and processors, the payment for grain by such entities, and whether there exists a need for new or increased bonding and indemnification options to reduce financial risk.

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

HCR 3051: A concurrent resolution directing the Legislative Council to study imposition of criminal and civil penalties, fines, fees, and forfeitures by administrative rule.

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

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

Fran A. Gronberg, Secretary

