

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, March 4, 2009

The House convened at 12:30 p.m., with Speaker Monson presiding.

The prayer was offered by Pastor Rich Wyatt, Living Hope Church of the Nazarene, Bismarck.

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

A quorum was declared by the Speaker.

POINT OF PERSONAL PRIVILEGE

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

REMARKS OF REPRESENTATIVE DELMORE

MR. Speaker: The Grand Forks Red River High School Roughriders won the 2009 state high school hockey championship at the Ralph Engelstad Arena. The Roughriders have won 13 outright titles and shared one with Grand Forks Central in 1977. Red River has participated in the State Hockey Tournament every year since the school opened in the fall of 1967. Red River senior Russel Crary was named the Outstanding Senior Athlete. The Riders ended their season with a record of 20-7.

Congratulations, Red River, for a job well done. We salute your sportsmanship, your class, and your victory. These comments place your exploits into the permanent record of the Legislature of the state of North Dakota.

The 2008-2009 Red River Roughriders: Mitch Byrne, Shaun Strande, Ian Leier, Scott Swiers, Justin Hill, Luke Johnson, Josh Heisz, Brady Sanner, Matt Stjern, Bryce Anderson, Keith Howe, Jordan Bancroft, Chris Waind, Jake LaDouceur, Erik Strande, Alan Zahui, Matt Verke, Blake Holien, Russel Crary, Brock Dahl, Casey Fugleberg, Jade Podell, Cody Bagley, Aaron Meland, Bryan Nies. **Head Coach:** Matt Malm. **Assistant Coaches:** Bill Chase, Shawn McMillan, Matt Hill. **Trainer:** Sara Bjerke. **Student Trainer:** Rebecca Erickson. **Cheerleaders:** Jenna Corbett, Shantel Fagerholt, Krista Lill, Samantha Mathews, Brittney Scholler. **Cheer Coach:** Sarah Rolling. **Principal:** Kim Slotsve.

MOTION

REP. BOUCHER MOVED that the remarks of Rep. Delmore be printed in the Journal, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

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

REMARKS OF REPRESENTATIVE SCHMIDT

Tonight the 2009 All-North Dakota Academic Team, sponsored by Phi Theta Kappa, will be recognized for their academic excellence as the top students at two year institutions. One of the nine students is Samantha Fenner, who is from Upham in District 7. Samantha attends MSU Bottineau.

Samantha has been chosen as a **First Century Scholar** and will represent all of North Dakota's two year institutions at the **American Association of Community College's** national conference in Phoenix, AZ. Samantha has also been selected as a **2009 Coca-Cola Gold Scholar**, this selection is based on scores earned in the all USA Academic Team competition. Gold Scholars will be listed in a special section of USA Today on April 6th, 2009.

Mr. Speaker, it is my honor to introduce Samantha and have her with us today in the House Chambers.

MOTION

REP. CARLSON MOVED that the remarks of Rep. Schmidt be printed in the Journal, which motion prevailed.

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to HCR 3019 and SB 2089.

HCR 3019, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SB 2089, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3010: A concurrent resolution to create and enact a new section to article XI of the Constitution of North Dakota, relating to freedom of choice in health care.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 77 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Boehning; Clark; Dosch; Froseth; Headland; Karls; Kasper; Klein; Nathe; Pollert; Ruby; Schatz; Thoreson; Wald; Weiler

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

ABSENT AND NOT VOTING: Kaldor

HCR 3010 was declared lost.

SECOND READING OF SENATE BILL

SB 2041: A BILL for an Act to amend and reenact section 54-59-21 of the North Dakota Century Code, relating to the criminal justice information sharing board.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Vig

ABSENT AND NOT VOTING: Kaldor

SB 2041, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2208: A BILL for an Act to amend and reenact section 4-10.2-08 of the North Dakota Century Code or in the alternative to amend and reenact section 4.1-09-16 of the North Dakota Century Code, relating to oilseed assessments; to provide an effective date; 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 87 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Delzer; Heller; Ruby; Skarphol; Thoreson; Weiler

ABSENT AND NOT VOTING: Kaldor

Engrossed SB 2208, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. VIGESAA MOVED that SB 2028, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, SB 2028 was rereferred.

MOTION

REP. VIGESAA MOVED that SB 2155 be returned to the House floor from the **Appropriations Committee** and be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, SB 2155 was rereferred.

SECOND READING OF SENATE BILL

SB 2031: A BILL for an Act to amend and reenact section 57-06-14.1 of the North Dakota Century Code, relating to taxable valuation of centrally assessed wind turbine electric generators.

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 82 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Boe; Boucher; DeKrey; Froelich; Holman; Nathe; Potter; Ruby; Thorpe; Weiler

ABSENT AND NOT VOTING: Kaldor

SB 2031 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2032: A BILL for an Act to amend and reenact subsections 1 and 3 of section 57-39.2-04.2 and subsections 1 and 3 of section 57-40.2-04.2 of the North Dakota Century Code, relating to the exemption from sales and use tax for materials used in the construction or expansion of a wind-powered facility; 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 87 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Froelich; Hanson; Kerzman; Ruby; Schmidt

ABSENT AND NOT VOTING: Kaldor

Engrossed SB 2032 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2057: A BILL for an Act to amend and reenact subsection 11 of section 65-05-12.2 of the North Dakota Century Code, relating to workers' compensation permanent partial impairment awards for loss of vision; to provide for application; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Berg; Kaldor

Engrossed SB 2057 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2073: A BILL for an Act to amend and reenact sections 59-04.2-17 and 59-04.2-28 of the North Dakota Century Code, relating to payments under the Uniform Principal and Income Act.

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

YEAS: Amerman; Bellew; Belter; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad;

Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Berg; Kaldor

SB 2073 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2074: A BILL for an Act to create and enact chapter 28-35 of the North Dakota Century Code, relating to the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; to repeal sections 30.1-29-02 and 30.1-29-32 of the North Dakota Century Code, relating to the jurisdiction of protective proceedings; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Berg; Kaldor

SB 2074 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2077: A BILL for an Act to amend and reenact sections 15-52-10, 15-52-15, 15-52-16, 15-52-18, 15-52-20, 15-52-26, and 15-52-27 of the North Dakota Century Code, relating to the university of North Dakota school of medicine and health sciences revolving loan 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Berg; Kaldor

SB 2077 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2079: A BILL for an Act to amend and reenact sections 15-52-01, 15-52-02, 15-52-05, 15-52-07, 15-52-08, 15-52-09, 15-52-15, and 15-52-29 of the North Dakota Century Code, relating to the university of North Dakota school of medicine and health sciences.

ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Berg; Kaldor

Engrossed SB 2079 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2080: A BILL for an Act to create and enact a new section to chapter 15-20.4 of the North Dakota Century Code, relating to the operation of accreditation mills; to amend and reenact section 15-20.4-02, subsection 3 of section 15-20.4-03, subsection 1 of section 15-20.4-04, section 15-20.4-06, and subsection 1 of section 15-20.4-15 of the North Dakota Century Code, relating to authorizations to operate postsecondary educational institutions and false academic degrees; to repeal section 15-20.4-07 of the North Dakota Century Code, relating to negotiation of promissory instruments by postsecondary educational institutions; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Schatz

ABSENT AND NOT VOTING: Kaldor; Weisz

Engrossed SB 2080 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2093: A BILL for an Act to amend and reenact section 57-34-05 of the North Dakota Century Code, relating to the transfer to counties of telecommunications carriers tax fund revenues.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 1 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Delmore

ABSENT AND NOT VOTING: Berg; Ekstrom; Kaldor; Weisz

SB 2093 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2113: A BILL for an Act to amend and reenact section 43-30-06 of the North Dakota Century Code, relating to applicants for licensure as a private investigative or private security service.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Headland; Kaldor; Weisz

SB 2113 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2180: A BILL for an Act to amend and reenact section 43-17-02.1 of the North Dakota Century Code, relating to limitation on prescribing drugs by physician assistants.

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

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

NAYS: Zaiser

ABSENT AND NOT VOTING: Headland; Kaldor; Weisz

SB 2180 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2193: A BILL for an Act to amend and reenact sections 61-24.5-01, 61-24.5-09, and 61-24.5-10 of the North Dakota Century Code, relating to the powers and duties and tax levy of the southwest water authority.

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 78 YEAS, 12 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; Delmore; Delzer; Drovda; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Potter; Rust; Schatz; Schmidt; Schneider; Sukut; Svedjan; Thoreson; Thorpe; Vig; Vigesaa; Wald; Wall; Wieland; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Bellew; Boehning; Dosch; Kelsch, R.; Meier, L.; Nathe; Porter; Ruby; Skarphol; Uglem; Weiler; Weisz

ABSENT AND NOT VOTING: DeKrey; Headland; Kaldor; Williams

SB 2193 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 1026, HB 1114, HB 1133, HB 1134, HB 1148, HB 1152, HB 1154, HB 1156, HB 1157.

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

MR. PRESIDENT: The Speaker has signed: SB 2034, SB 2137, SB 2146, SB 2147, SB 2148.

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

MR. PRESIDENT: The House has passed unchanged: SB 2055, SB 2056, SB 2058, SB 2071, SB 2078, SB 2111, SB 2130, SB 2134, SB 2136.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2029.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2128.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3048.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1080, HB 1111, HB 1165, HB 1167, HB 1173, HB 1178, HB 1214, HB 1233, HB 1264, HB 1309, HB 1311, HB 1334, HB 1336, HB 1343.

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 1155.

SENATE AMENDMENTS TO HOUSE BILL NO. 1155

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

Page 1, after line 10, 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 amended and subsequently passed: HB 1158.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1158

Page 1, line 1, remove "subsection 1 of"

Page 1, line 5, replace "Subsection 1 of section" with "Section"

Page 1, after line 6, insert:

"26.1-40-18. Automobile warranties construed."

Page 1, after line 10, insert:

- "2. The policy must be issued by an insurer licensed, registered, or otherwise authorized to do business in this state. From the time the policy is filed with the commissioner:
 - a. The insurer shall maintain surplus as to policyholders and paid-in capital of at least fifteen million dollars and annually file copies of the insurer's audited financial statements, the national association of insurance commissioners annual statement, and the actuarial certification required by and filed in the insurer's state of domicile; or
 - b. The insurer shall maintain surplus as to policyholders and paid-in capital of between fifteen million dollars and ten million dollars, demonstrate to the satisfaction of the commissioner that the company maintains a ratio of net written premiums, wherever written, to surplus as to policyholders and paid-in capital of not greater than three to one, and annually file copies of the insurer's audited financial statements, the national association of insurance commissioners annual statement, and the actuarial certification required by and filed in the insurer's state of domicile.
3. This section does not apply to an original equipment manufacturer issuing new vehicle warranties.

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2034, SB 2137, SB 2146, SB 2147, SB 2148.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1182.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1100, HB 1113, HB 1124.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1100

Page 1, line 1, after "to" insert "create and enact a new subdivision to subsection 17 of section 10-04-06 of the North Dakota Century Code, relating to the sale of securities; and to"

Page 2, after line 30, insert:

"SECTION 3. A new subdivision to subsection 17 of section 10-04-06 of the North Dakota Century Code is created and enacted as follows:

The security offered or sold under this subsection is offered or sold by a broker-dealer and agent registered in accordance with section 10-04-10, or offered and sold through an officer, director, governor, or partner of the issuer and no commission or other remuneration is paid."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1113

Page 1, line 10, remove "basic"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1124

Page 2, line 19, replace "my" with "may"

Renumber accordingly

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

MR. SPEAKER: The Senate has passed unchanged: HB 1080, HB 1111, HB 1165, HB 1167, HB 1173, HB 1178, HB 1214, HB 1233, HB 1264, HB 1309, HB 1311, HB 1334, HB 1336, HB 1343.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4015, SCR 4027, SCR 4028, SCR 4032.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Thursday, March 5, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2039: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2039 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2042, as reengrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2042 was placed on the Sixth order on the calendar.

Page 1, line 5, after the semicolon insert "and"

Page 1, line 7, remove "; and to provide an expiration date"

Page 18, remove lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2048, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2048 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2059, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2059 was placed on the Sixth order on the calendar.

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."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2090: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2090 was placed on the Sixth order on the calendar.

Page 1, line 3, after "state" insert "; and to declare an emergency"

Page 1, after line 18, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2095, as engrossed: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2095 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2102, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2102 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2104, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2104 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2106: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2106 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2118: 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 2118 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2119: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2119 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2120: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2120 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2122, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2122 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2144: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **DO PASS** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2144 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2145: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **DO PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2145 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2184, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2184 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2431, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2431 was placed on the Sixth order on the calendar.

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"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2432, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2432 was placed on the Sixth order on the calendar.

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."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2433, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2433 was placed on the Sixth order on the calendar.

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

FIRST READING OF SENATE BILL

SB 2427: 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.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4015: A concurrent resolution directing the Industrial Commission to conduct a study of the economic impacts of proposed federal, regional, and state carbon cap and trade systems, including the Minnesota Next Generation Energy Act of 2007.

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

SCR 4026: A concurrent resolution commemorating the 100th anniversary of the Boy Scouts of America.

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

SCR 4027: A concurrent resolution directing the Legislative Council to study the leasing of state lands.

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

SCR 4028: A concurrent resolution directing the Legislative Council to study the charitable gaming laws to determine whether the laws regarding taxation, limitations, enforcement, conduct, and play of charitable gaming are fair, adequate, and appropriate.

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

SCR 4032: A concurrent resolution to create and enact a new section to article III of the Constitution of North Dakota, relating to vote requirements for local ordinances or initiated laws imposing requirements for supermajority votes; and to provide an effective date.

Was read the first time and referred to the **Constitutional Revision Committee**.

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

Buell J. Reich, Chief Clerk

