

## JOURNAL OF THE HOUSE

## Sixtieth Legislative Assembly

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Bismarck, March 2, 2007

The House convened at 12:00 p.m., with Speaker Delzer presiding.

The prayer was offered by Dr. Riley Walker, Executive Minister for the American Baptist of the Dakotas from Sioux Falls, South Dakota.

The roll was called and all members were present except Representatives Keiser, Kempenich, and Solberg.

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. Kretschmar, 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 812, line 39, replace first "the" with "a"

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

**SIXTH ORDER OF BUSINESS**

**SPEAKER DELZER DEEMED** approval of the amendments to HCR 3019 and Engrossed SB 2214.

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

Engrossed SB 2214, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. MONSON MOVED** that the rules be suspended and after action taken on the Sixth order, HCR 3019 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

**POINT OF PERSONAL PRIVILEGE**

**REP. BOUCHER:** Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

**NORTH DAKOTA EDUCATION ASSOCIATION  
Declaration of Reading Independence Proclamation**

**WHERE AS,** we hold this truth to be self-evident that all children have the right to read. If we don't secure this right, too many of our children are likely to lead lives of quiet, or not so quiet, despair.

**WHERE AS,** to secure this right, every adult has a role to play. As people who teach and work with America's children, we will craft our lessons and our work carefully even as our student populations change and grow. As parents, we will show our children the magic of learning. As members of the American education family, we will care for each other's children as our own.

**WHERE AS,** we look to the future, we pause to dream together. We dream of a day when all children know their ABC's before they come to school. We dream of a day where all third graders are reading to learn rather than learning to read. We dream of a day when every American teenager knows the joy of being swept away by the powerful prose of a good book. We dream of a day of great public schools and great public school libraries for every child.

**WHERE AS,** we solemnly swear that we will not rest until our children are the best readers in the world. As a first step toward this goal, we hereby commit to proclaim March 2nd, NDEA Read Across America Day, and to build a nation of readers throughout the year.

**MOTION**

**REP. MONSON MOVED** that the remarks of Rep. Boucher be printed in the Journal, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3011:** A concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to the vote required to enact an income, sales, use, gross receipts, or motor vehicle excise tax rate increase by the legislative assembly.

**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 34 YEAS, 57 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Boehning; Brandenburg; Carlisle; Carlson; DeKrey; Dosch; Froseth; Grande; Headland; Heller; Herbel; Karls; Kasper; Kingsbury; Klein; Koppelman; Kreidt; Nelson; Owens; Pietsch; Pollert; Porter; Ruby; Skarphol; Thoreson; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

**NAYS:** Aarsvold; Amerman; Berg; Boe; Boucher; Charging; Clark; Conrad; Dahl; Damschen; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, S.; Kerzman; Klemin; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nottestad; Onstad; Pinkerton; Potter; Price; Schmidt; Schneider; Sukut; Svedjan; Thorpe; Uglem; Vig; Wall; Williams; Wolf; Zaiser

**ABSENT AND NOT VOTING:** Keiser; Kempenich; Solberg

HCR 3011 was declared lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3016:** A concurrent resolution for the amendment of section 6 of article IV of the Constitution of North Dakota, relating to the appointment of a member of the legislative assembly to a full-time appointive state office.

**ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Bellew; Boe; Glassheim

**ABSENT AND NOT VOTING:** Keiser; Kempenich; Solberg

Engrossed HCR 3016 was declared adopted and the title was agreed to.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3053:** A concurrent resolution to repeal section 6 of article IV of the Constitution of North Dakota, relating to disqualification of members of the legislative assembly from holding full-time appointive state offices.

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

**YEAS:** Kasper; Thorpe; Williams

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleston; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Keiser; Kempenich; Solberg

HCR 3053 was declared lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3054:** A concurrent resolution for the amendment of section 7 of article IV of the Constitution of North Dakota, relating to sessions of the legislative assembly; and to provide an effective date.

**ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 37 YEAS, 54 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boe; Boucher; Brandenburg; Conrad; DeKrey; Delmore; Ekstrom; Froelich; Glassheim; Gruchalla; Gulleston; Hanson; Hawken; Hunskor; Johnson, N.; Kaldor; Kelsh, S.; Kerzman; Kretschmar; Kroeber; Metcalf; Meyer, S.; Mueller; Myxter; Nelson; Onstad; Owens; Potter; Schmidt; Thorpe; Uglem; Vig; Weiler; Weisz; Wolf; Zaiser

**NAYS:** Amerman; Bellew; Belter; Berg; Boehning; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; Dietrich; Dosch; Drovdal; Froseth; Grande; Griffin; Haas; Hatlestad; Headland; Heller; Herbel; Hofstad; Johnson, D.; Karls; Kasper; Kelsch, R.; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Martinson; Meier, L.; Monson; Nottestad; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Vigesaa; Wald; Wall; Wieland; Williams; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Keiser; Kempenich; Solberg

Engrossed HCR 3054 was declared lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3045:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to establishment and use of a permanent oil tax trust fund; and to provide an effective date.

**ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Grande; Griffin; Gruchalla; Gulleston; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan;

Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Conrad; Glassheim; Vig

**ABSENT AND NOT VOTING:** Keiser; Kempenich; Nelson; Solberg

Engrossed HCR 3045 was declared adopted and the title was agreed to.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3018:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to voting requirements for measures appropriating Bank of North Dakota profits.

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

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Keiser; Kempenich; Solberg

HCR 3018 was declared lost.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3019:** A concurrent resolution for the amendment of section 6 of article VIII of the Constitution of North Dakota, relating to the state board of higher education; and to provide an effective date.

#### **ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 49 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Boe; Boucher; Brandenburg; Carlisle; Conrad; Dahl; DeKrey; Delmore; Dosch; Glassheim; Griffin; Hanson; Hatlestad; Herbel; Hunskor; Kaldor; Karls; Kingsbury; Klein; Klemin; Kretschmar; Kroeber; Martinson; Meier, L.; Onstad; Owens; Porter; Potter; Price; Skarphol; Sukut; Svedjan; Thorpe; Wald; Weiler; Weisz; Wolf; Wrangham; Zaiser

**NAYS:** Belter; Berg; Boehning; Carlson; Charging; Clark; Damschen; Dietrich; Drovda; Ekstrom; Froelich; Froseth; Grande; Gruchalla; Gulleson; Haas; Hawken; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Koppelman; Kreidt; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Pietsch; Pinkerton; Pollert; Ruby; Schmidt; Schneider; Thoreson; Uglem; Vig; Vigesaa; Wall; Wieland; Williams; Speaker Delzer

**ABSENT AND NOT VOTING:** Keiser; Kempenich; Solberg

Engrossed HCR 3019 was declared lost.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3052:** A concurrent resolution for the amendment of section 25 of article XI of the Constitution of North Dakota, relating to the establishment of an in-state lottery.

**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 14 YEAS, 75 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Boehning; Dahl; Delmore; Ekstrom; Gruchalla; Hawken; Kretschmar; Meier, L.; Meyer, S.; Myxter; Nelson; Nottestad; Owens; Wald

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Dietrich; Dosch; Drovda; Froseth; Glassheim; Grande; Griffin; Gulleson; Haas; Hanson; Hatlestad; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kroeber; Martinson; Metcalf; Monson; Mueller; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Froelich; Keiser; Kempenich; Solberg; Williams

HCR 3052 was declared lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3055:** A concurrent resolution to create and enact a new section to article V of the Constitution of North Dakota, relating to executive branch organization.

**ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 22 YEAS, 69 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Conrad; Delmore; Ekstrom; Griffin; Gruchalla; Kaldor; Kelsh, S.; Kretschmar; Kroeber; Meyer, S.; Nottestad; Owens; Pinkerton; Schmidt; Schneider; Thorpe; Vig; Weiler; Wolf; Zaiser

**NAYS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Dietrich; Dosch; Drovda; Froelich; Froseth; Glassheim; Grande; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsch, R.; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Onstad; Pietsch; Pollert; Porter; Potter; Price; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Keiser; Kempenich; Solberg

Engrossed HCR 3055 was declared lost.

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**MOTION**

**REP. MONSON MOVED** that SB 2126 be returned to the House floor from the **Judiciary Committee** and be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, SB 2126 was rereferred.

**MOTION**

**REP. MONSON MOVED** that SB 2149, which is on the Fourteenth order, be laid over two legislative days, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2354:** A BILL for an Act to amend and reenact section 15.1-21-02 of the North Dakota Century Code, relating to instruction in physical education.

**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, 41 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Berg; Boe; Boucher; Carlisle; Charging; Clark; Conrad; Delmore; Dietrich; Dosch; Ekstrom; Glassheim; Grande; Gruchalla; Haas; Hanson; Hatlestad; Hawken; Headland; Johnson, N.; Kaldor; Kasper; Kelsh, S.; Klemin; Kretschmar; Kroeber; Meier, L.; Metcalf; Meyer, S.; Mueller; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Price; Ruby; Sukut; Thorpe; Uglem; Weiler; Wieland; Wolf

**NAYS:** Amerman; Belter; Boehning; Brandenburg; Carlson; Dahl; Damschen; DeKrey; Froelich; Froseth; Griffin; Gulleson; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Karls; Kerzman; Kingsbury; Klein; Kreidt; Martinson; Monson; Myxter; Nelson; Owens; Pollert; Schmidt; Schneider; Skarphol; Svedjan; Thoreson; Vig; Wald; Wall; Weisz; Williams; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Drovdal; Keiser; Kelsch, R.; Kempenich; Koppelman; Solberg; Vigesaa

SB 2354 lost.

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### SECOND READING OF SENATE BILL

**SB 2074:** A BILL for an Act to amend and reenact section 14-02.5-13 of the North Dakota Century Code, relating to the duties and powers of the labor department relating to housing discrimination.

### 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 77 YEAS, 9 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsh, S.; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Price; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**NAYS:** Bellew; Carlson; Dosch; Grande; Kasper; Owens; Ruby; Wald; Weisz

**ABSENT AND NOT VOTING:** Drovdal; Ekstrom; Gulleson; Keiser; Kelsch, R.; Kempenich; Potter; Solberg

SB 2074, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2076:** A BILL for an Act to amend and reenact section 14-02.4-22 of the North Dakota Century Code, relating to the duties and powers of the labor department relating to human rights enforcement.

### 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 61 YEAS, 26 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Conrad; Dahl; DeKrey; Delmore; Dietrich; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Heller; Herbel; Hofstad; Hunskor; Johnson, N.; Kaldor; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Price; Schmidt; Schneider; Sukut; Thorpe; Uglem; Vig; Wall; Williams; Wolf; Zaiser

**NAYS:** Bellew; Belter; Carlson; Clark; Dosch; Grande; Headland; Johnson, D.; Karls; Kasper; Klein; Kreidt; Meier, L.; Owens; Pollert; Ruby; Skarphol; Svedjan; Thoreson; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Charging; Damschen; Drovdal; Keiser; Kelsch, R.; Kempenich; Solberg

SB 2076, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2146:** A BILL for an Act to amend and reenact subsection 1 of section 39-08-20 of the North Dakota Century Code, relating to proof of insurance.

#### 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 81 YEAS, 4 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gullerson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsh, S.; Kerzman; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Wolf; Zaiser

**NAYS:** Froelich; Kasper; Koppelman; Speaker Delzer

**ABSENT AND NOT VOTING:** Charging; Drovdal; Hunskor; Keiser; Kelsch, R.; Kempenich; Solberg; Wieland; Wrangham

Engrossed SB 2146, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2031:** A BILL for an Act to create and enact a new section to chapter 49-05 of the North Dakota Century Code, relating to public utility rate adjustments for recovery of transmission facility costs.

#### 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, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gullerson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Amerman; Charging; Drovdal; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Solberg; Wrangham

SB 2031 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2257:** A BILL for an Act to amend and reenact section 65-02-03.1 of the North Dakota Century Code, relating to membership of the workforce safety and insurance board; 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 6 YEAS, 81 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Conrad; Gruchalla; Kelsh, S.; Schneider; Thorpe; Wolf

**NAYS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gulleston; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Charging; Drovdal; Keiser; Kelsch, R.; Kempenich; Solberg; Wrangham

Engrossed SB 2257 lost.

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**SECOND READING OF SENATE BILL**

**SB 2359:** A BILL for an Act to amend and reenact sections 50-19-01, 50-19-02, 50-19-03, 50-19-03.1, 50-19-04, 50-19-05, 50-19-06, 50-19-07, 50-19-10, 50-19-11, 50-19-12, 50-19-13, and 50-19-14 of the North Dakota Century Code, relating to maternity homes; and to repeal sections 50-19-08 and 50-19-09 of the North Dakota Century Code, relating to births at maternity homes.

**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, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleston; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsh, S.; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Charging; Drovdal; Keiser; Kelsch, R.; Kempenich; Solberg; Wrangham

Engrossed SB 2359 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2025:** A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to provision of medication at a correctional facility; to amend and reenact section 43-12.1-04 of the North Dakota Century Code, relating to exemptions from the Nurse Practices Act; 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, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleston; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsh, S.; Kerzman; Kingsbury; Klein; Klemin;



Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Charging; Drovdal; Keiser; Kelsch, R.; Kempenich; Solberg; Williams

SB 2025, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2136:** A BILL for an Act to provide for an agreement between the department of human services and the department of corrections and rehabilitation; and to provide for the department of human services to report to the legislative council regarding individuals committed to the department's care.

#### 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, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsh, S.; Kerzman; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Charging; Keiser; Kelsch, R.; Kempenich; Kingsbury; Solberg; Williams

Engrossed SB 2136, as amended, passed and the title was agreed to.

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#### MOTION

**REP. MONSON MOVED** that SB 2193, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2041:** A BILL for an Act to create and enact two new sections to chapter 14-03 of the North Dakota Century Code, relating to marriage license fee vouchers and premarital counseling; to amend and reenact section 14-03-22 of the North Dakota Century Code, relating to marriage license fees; and to provide an appropriation.

#### 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 17 YEAS, 72 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Carlson; Dahl; Damschen; Dosch; Froelich; Grande; Karls; Kasper; Kerzman; Klein; Klemin; Koppelman; Meier, L.; Owens; Ruby; Wieland

**NAYS:** Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Clark; Conrad; DeKrey; Delmore; Dietrich; Drovdal; Ekstrom; Froseth; Glassheim; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsh, S.; Kingsbury; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

**ABSENT AND NOT VOTING:** Charging; Keiser; Kelsch, R.; Kempenich; Solberg

Engrossed SB 2041 lost.

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### SECOND READING OF SENATE BILL

**SB 2216:** A BILL for an Act to create and enact a new section to chapter 32-19 of the North Dakota Century Code, relating to payment to redeem; and to amend and reenact section 32-19-22 of the North Dakota Century Code, relating to the service of notice before foreclosure.

### 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, 1 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsh, S.; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser

**NAYS:** Speaker Delzer

**ABSENT AND NOT VOTING:** Charging; Keiser; Kelsch, R.; Kempenich; Solberg

SB 2216 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2335:** A BILL for an Act to provide an appropriation to the agriculture commissioner for the purpose of expanding organic food production and processing in the state; and to require a report to the legislative assembly.

### 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 34 YEAS, 55 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Boucher; Conrad; DeKrey; Delmore; Ekstrom; Glassheim; Griffin; Gruchalla; Gulleon; Hanson; Hawken; Hunskor; Kaldor; Kasper; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Myxter; Nelson; Onstad; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Weisz; Williams; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlisle; Carlson; Clark; Dahl; Damschen; Dietrich; Dosch; Drovdal; Froelich; Froseth; Grande; Haas; Hatlestad; Headland; Heller; Herbel; Hofstad; Johnson, D.; Johnson, N.; Karls; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Meyer, S.; Monson; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Ruby; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Charging; Keiser; Kelsch, R.; Kempenich; Solberg

Reengrossed SB 2335 lost.

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### SECOND READING OF SENATE BILL

**SB 2380:** A BILL for an Act to create and enact four new sections to chapter 57-39.4 of the North Dakota Century Code, relating to administration of the streamlined sales tax agreement; to amend and reenact subsection 2 of section 11-09.1-05, subsection 16 of section 40-05.1-06, section 57-39.2-01, subsection 1 of section 57-39.2-02.1, subsection 26 of section 57-39.2-04, sections 57-39.2-04.1, 57-39.4-01, 57-39.4-06,

57-39.4-07, and 57-39.4-08, subsection 1 of section 57-39.4-09, sections 57-39.4-10, 57-39.4-15, 57-39.4-16, 57-39.4-17, and 57-39.4-18, subsection 1 of section 57-39.4-20, subsection 12 of section 57-40.2-04, and section 57-40.2-04.1 of the North Dakota Century Code, relating to sales and use tax amendments necessary for compliance with the streamlined sales and use tax agreement; and to repeal sections 57-39.2-29 and 57-39.4-13 of the North Dakota Century Code, relating to administration of sourcing and multiple points of use rules for the streamlined sales tax agreement.

#### 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 69 YEAS, 20 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Conrad; Dahl; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleston; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsh, S.; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kroeber; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Schmidt; Schneider; Sukut; Svedjan; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wolf; Wrangham; Zaiser

**NAYS:** Bellew; Boe; Carlson; Clark; Damschen; DeKrey; Froelich; Karls; Kasper; Kerzman; Kretschmar; Martinson; Metcalf; Nelson; Ruby; Skarphol; Thoreson; Vig; Weisz; Speaker Delzer

**ABSENT AND NOT VOTING:** Charging; Keiser; Kelsch, R.; Kempenich; Solberg

SB 2380 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2381:** A BILL for an Act to amend and reenact sections 57-39.2-12.1 and 57-40.2-07.1 of the North Dakota Century Code, relating to reimbursements to retailers for administrative expenses associated with sales and use tax collection and remittance; 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 73 YEAS, 16 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Conrad; Dahl; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleston; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsh, S.; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Meier, L.; Meyer, S.; Monson; Mueller; Myxter; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wolf; Zaiser

**NAYS:** Boe; Carlson; Clark; Damschen; DeKrey; Karls; Kasper; Martinson; Metcalf; Nelson; Owens; Skarphol; Thoreson; Weisz; Wrangham; Speaker Delzer

**ABSENT AND NOT VOTING:** Charging; Keiser; Kelsch, R.; Kempenich; Solberg

SB 2381 passed and the title was agreed to.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1022, HB 1028, HB 1030, HB 1031, HB 1032, HB 1054, HB 1058, HB 1066, HB 1074, HB 1096, HB 1097, HB 1103, HB 1143.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1193, HB 1201, HB 1248, HB 1261, HB 1341, HB 1347, HB 1387, HB 1454, HB 1490.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HCR 3005.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SCR 4007.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2058, SB 2059, SB 2061, SB 2082, SB 2086, SB 2095, SB 2098, SB 2099, SB 2104, SB 2107, SB 2119, SB 2142, SB 2147, SB 2151, SB 2158, SB 2230.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2028.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 2, 2007: HB 1193, HB 1201, HB 1248, HB 1261, HB 1341, HB 1347, HB 1387, HB 1454, HB 1490.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on March 2, 2007: HCR 3005.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2131.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SB 2042, SB 2064, SB 2065, SB 2075, SB 2078, SB 2079, SB 2084, SB 2092, SB 2114, SB 2138, SB 2185, SB 2213, SB 2233.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass: SB 2177.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4022, SCR 4023, SCR 4028.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1295.

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1295**

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

Page 2, after line 27, insert:

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

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1149, HB 1362, HB 1379, HB 1402.

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1149**

Page 1, line 16, replace "twelfth" with "thirteenth"

Page 1, line 23, remove "and there is no fee for a license to"

Page 2, line 1, remove "hunt does during the youth deer hunting season"

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1362**

Page 1, line 9, after "**Fees**" insert "The permit must be in the operator's possession when that individual is operating the snowmobile within the state."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1379**

Page 1, line 1, replace "subdivision" with "subdivisions" and after "d" insert "and e"

Page 1, line 4, replace "Subdivision" with "Subdivisions" and after "d" insert "and e"

Page 1, line 5, replace "is" with "are"

Page 1, after line 24, insert:

- "e. Write-in votes which constitute ~~five~~ ten percent or less of the votes cast by the voters for the candidate receiving the most votes for that office, except in the case of a primary election where enough votes were cast as write-in votes to qualify a name for the general election ballot. This percentage is to be calculated based on the total number of write-in votes tabulated by the voting equipment in the precincts of the county in which that office was on the ballot."

ReNUMBER accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1402**

Page 1, line 16, after the first "licenses" insert ", one elk license, one moose license,"

ReNUMBER accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1076, HB 1301.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has passed unchanged: HB 1008, HB 1070, HB 1075, HB 1077, HB 1083, HB 1095, HB 1108, HB 1117, HB 1123, HB 1142, HB 1177, HB 1186, HB 1211, HB 1253, HB 1265, HB 1266, HB 1289, HB 1302.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has failed to pass: HB 1316.

**MOTION**

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

**MOTION**

**REP. MONSON 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 1:00 p.m., Monday, March 5, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2038, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2038 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2044: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2044 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2045: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2045 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "subsection 7 of section 54-52.1-01,"

Page 1, line 4, remove the first comma

Page 1, line 5, remove "minimum life insurance benefits coverage,"

Page 1, remove lines 9 through 14

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2048: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2048 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2050, as engrossed: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2050 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2051: Government and Veterans Affairs Committee (Rep. Haas, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2051 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2081, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). Engrossed SB 2081 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 3 of section 57-38.6-01 and" and after "sections" insert "57-38.6-01,"

Page 1, line 2, after "57-38.6-02" insert a comma and replace "the definition and" with "definitions and to the"

Page 1, replace lines 6 through 19 with:

**"SECTION 1. AMENDMENT.** Section 57-38.6-01 of the North Dakota Century Code is amended and reenacted as follows:

**57-38.6-01. Definitions.** As used in this chapter, unless the context otherwise requires:

1. "Agricultural commodity processing facility" means a facility that through processing involving the employment of knowledge and labor adds value to an agricultural commodity capable of being raised in this state.
2. "Director" means the director of the department of commerce division of economic development and finance.
3. "Qualified business" means a cooperative, corporation, partnership, or limited liability company that:
  - a. Is incorporated or organized in this state after December 31, 2000, for the primary purpose of processing and marketing agricultural commodities capable of being raised in this state;
  - b. Has been certified by the securities commissioner to be in compliance under the securities laws of this state; and
  - c. Has an agricultural commodity processing facility, or intends to locate one, in this state; ~~and~~
  - d. ~~Is among the first ten businesses that meets the requirements of this subsection, but not a business that was previously certified as a qualified business under chapter 57-38.5.~~
4. "Qualified investment" means an investment in cash or an investment of a fee simple interest in real property located in this state. For purposes of this chapter, the definition of real property does not include any personal property that may become a fixture to the real property, as defined by chapter 41-09, which is added to the real property following investment of the real property in the qualified business.
5. "Taxpayer" means an individual, estate, trust, corporation, partnership, or limited liability company."

Page 4, line 10, after the period insert "Real property that qualifies as an investment must be used in, and be an integral part of, the qualified business's North Dakota business operations.

8. If the investment is a contribution of real property:
  - a. The value of the contribution may not exceed the appraised value as established by a licensed or certified appraiser licensed or certified under the requirements of sections 43-23.3-04, 43-23.3-04.1, 43-23.3-05, 43-23.3-06, 43-23.3-07, 43-23.3-08, 43-23.3-09, 43-23.3-10, 43-23.3-11, and 43-23.3-12.
  - b. The value of the contribution must be approved by the governing body of the qualified business applying the valuation standards set forth in subsection 3 of section 10-19.1-63.
  - c. The qualified business receiving the contribution of real property shall provide to the tax commissioner a copy of the appraised valuation, a copy of the governing body's resolution approving the value of the contribution, and a copy of the statement of full consideration within thirty days after the instrument transferring title to the real property is recorded with the register of deeds as provided in chapter 47-19.
  - d. A taxpayer making a contribution of real property is entitled to the tax credit in the taxable year in which the instrument transferring title to the real property is recorded with the register of deeds as provided in chapter 47-19."

Page 4, line 11, replace "8." with "9."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2137, as engrossed: Political Subdivisions Committee (Rep. Herbel, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2137 was placed on the Sixth order on the calendar.

Page 1, line 5, remove the second "and"

Page 1, line 6, after "37-17.1-25" insert ", and section 57-15-28"

Page 4, line 29, after "Coordinate" insert "and may enter agreements"

Page 5, line 16, replace "synchronize" with "coordinate"

Page 5, line 17, after "of" insert "or the president of the board of city commissioners in"

Page 13, after line 25, insert:

**"SECTION 16. AMENDMENT.** Section 57-15-28 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-28. Emergency fund - County.** The governing body of any county may levy a tax for emergency purposes not exceeding the limitation in subsection 22 of section 57-15-06.7. The emergency fund may not be considered in determining the budget or the amount to be levied for each fiscal year for normal tax purposes but must be shown in the budget as an "emergency fund" and may not be deducted from the budget as otherwise provided by law. Each county may create an emergency fund, and all taxes levied for emergency purposes by any county, when collected, must be deposited in the emergency fund, and must be used only for emergency purposes caused by the destruction or impairment of any county property necessary for the conduct of the affairs of the county, emergencies caused by nature or by the entry by a court of competent jurisdiction of a judgment for damages against the county. The emergency fund may not be used for any road construction or maintenance, except for repair of roads damaged by nature within sixty days preceding ~~such~~ the determination to expend emergency funds, or for the purchase of road equipment; however, the emergency fund may be used to match federal funds appropriated to mitigate damage to roads related to a federally declared disaster that occurred more than sixty days preceding the determination. Any unexpended balance, remaining in the emergency

fund at the end of any fiscal year, must be kept in ~~such~~ the fund. When the amount of money in the emergency fund, plus the amount of money due the fund from outstanding taxes, equals the amount produced by a levy of five mills on the taxable valuation of property in a county with a population of thirty thousand or more, or ten mills on the taxable valuation of property in a county with a population of less than thirty thousand, the levy authorized by this section must be discontinued, and no further levy may be made until required to replenish the emergency fund."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2139: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2139 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2148: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2148 was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the House as printed on page 792 of the House Journal, Senate Bill No. 2148 is further amended as follows:

Page 3, line 2, after "a" insert "fee of at least"

Page 3, line 3, replace "dollar fee" with "dollars but not more than two thousand dollars"

Page 6, line 9, after "a" insert "fee of at least" and replace "dollar fee" with "dollars but not more than two thousand dollars"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2156: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2156 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2165: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2165 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "probable cause" and insert immediately thereafter "reasonable suspicion"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2248, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2248 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the second "and" and after "penalty" insert "; and to declare an emergency"

Page 3, after line 8, insert:

"**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2250, as engrossed: Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2250 was placed on the Fourteenth order on the calendar.



**REPORT OF STANDING COMMITTEE**

**SB 2262, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2262 was placed on the Sixth order on the calendar.

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

Page 2, line 8, replace "A minor" with "An individual"

Page 2, line 9, replace "minor" with "individual" and replace "minor's" with "individual's"

Page 2, line 10, replace "minor" with "individual"

Page 2, after line 19, insert:

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2263: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2263 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2271, as engrossed: Political Subdivisions Committee (Rep. Herbel, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2271 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2273, as engrossed: Political Subdivisions Committee (Rep. Herbel, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2273 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2292, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2292 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2299, as engrossed: Political Subdivisions Committee (Rep. Herbel, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2299 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "adopt a standard of valuation" with "establish valuations" and replace "recognizes" with "recognize"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2360, as engrossed: Transportation Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2360 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2369: Political Subdivisions Committee (Rep. Herbel, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2369 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2406, as engrossed: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2406 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "three" with "six"

Renumber accordingly

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

**Buell J. Reich, Chief Clerk**