

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, March 10, 2009

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

The prayer was offered by Cecil Stanton, Faith Center Church of God of Prophecy, Bismarck.

The roll was called and all members were present except Representatives Froelich and Zaiser.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Delzer, Chairman)** has carefully examined the Journal of the 39th and 41st Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 797, remove lines 13 through 29

Page 797, after line 12, insert:

"Mr. Speaker and Members of the Assembly:

Last Saturday night the Red River High School Roughriders defeated the Bismarck Demons to win their 13th ND State High School Hockey Championship.

Rebounding from last year's overtime loss in the championship game to Grafton-Park River, and the loss of 14 players from that team made this year's championship the most improbable of any of the previous championship teams.

Finishing 3rd in the East Region during the season and entering the state tournament as the 3rd seed from the East Region did not deter the Roughriders from achieving what has become the standard at Red River High, the state championship.

Despite being outshot by a 30 - 12 margin in the final, the Roughriders rode the back of tournament MVP goaltender Aaron Meland and in fitting fashion, outstanding hockey winner Russel Cray scored the winning goal in the third period, capping the state title for the Roughriders.

Thank you, Mr. Speaker.

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 Cray, 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."

Page 826, line 10, replace "of the bill" with "of the amended bill"

Page 826, line 24, insert ", as amended," after "SB 2432"

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

MOTION

REP. VIGESAA MOVED that SB 2255 be returned to the House floor from the **Judiciary Committee** and be rereferred to the **Agriculture Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, SB 2255 was rereferred.

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to HCR 3056, SB 2100, SB 2141, and SB 2279.

HCR 3056, as amended, was placed on the Tenth order of business on the calendar for the succeeding legislative day.

SB 2100, SB 2141, and SB 2279, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGESAA MOVED to suspend Rule 207 and move HCR 3056 from the 10th order on tomorrow's calendar to the 10th order on today's calendar, which motion carried.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3019: A concurrent resolution for the amendment of section 18 of article X of the Constitution of North Dakota, relating to allowing the legislative assembly to enact legislation to provide for return of surplus tax collections to citizens of the state; 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 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; 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; Speaker Monson

NAYS: Damschen; Wrangham

ABSENT AND NOT VOTING: Froelich; Zaiser

Engrossed HCR 3019 was declared adopted and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3049: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to governmental budget expenditure limits; and to provide for application.

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 12 YEAS, 80 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Damschen; Dosch; Kasper; Kempenich; Nathe; Porter; Ruby; Thoreson; Wald; Weiler; Wrangham

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

ABSENT AND NOT VOTING: Froelich; Zaiser

HCR 3049 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3050: A concurrent resolution for the amendment of sections 3 and 4 of article IV of the Constitution of North Dakota, relating to the election of members of 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 30 YEAS, 62 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Boe; Boucher; Brandenburg; Conrad; Delmore; Ekstrom; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kretschmar; Kroeber; Metcalf; Meyer, S.; Mock; Myxter; Nelson; Onstad; Pinkerton; Ruby; Schmidt; Schneider; Vig; Wolf

NAYS: Amerman; Bellew; Belter; Berg; Boehning; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Hatlestad; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Martinson; Meier, L.; Mueller; Nathe; Nottestad; Pietsch; Pollert; Porter; Potter; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Zaiser

HCR 3050 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3053: A concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to the establishment of an independent legislative redistricting commission; and for the amendment of sections 2, 3, and 4 of article IV of the Constitution of North Dakota, relating to legislative redistricting and the term of office of senators and representatives.

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, 58 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Boucher; Conklin; Conrad; Delmore; Ekstrom; Glassheim; Griffin; Gruchalla; Hanson; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Onstad; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Williams; Winrich; Wolf

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

ABSENT AND NOT VOTING: Froelich; Zaiser

HCR 3053 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3054: 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 North Dakota legacy fund; and to provide an effective date.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 69 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Griffin; Hanson; Hatlestad; Headland; Heller; Hofstad; Holman; Johnson, D.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Nathe; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Monson

NAYS: Conrad; Delmore; Ekstrom; Glassheim; Gruchalla; Hawken; Hunskor; Johnson, N.; Kerzman; Kilichowski; Klemin; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pinkerton; Potter; Thorpe; Vig; Winrich; Wolf

ABSENT AND NOT VOTING: Froelich; Zaiser

HCR 3054 was declared adopted and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3059: 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 an oil tax trust fund; and to provide an effective date.

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 27 YEAS, 65 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Conklin; Conrad; Delmore; Drovdal; Ekstrom; Glassheim; Griffin; Gruchalla; Hanson; Hunskor; Johnson, N.; Kaldor; Kelsh, S.; Kerzman; Kroeber; Meyer, S.; Mueller; Myxter; Onstad; Potter; Ruby; Schmidt; Thorpe; Weiler; Winrich; Wolf

NAYS: Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Frantsvog; Froseth; Grande; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Mock; Nathe; Nelson; Nottestad; Pietsch; Pinkerton; Pollert; Porter; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Zaiser

HCR 3059 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3055: A concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to the submission of laws to the electorate for approval.

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 8 YEAS, 84 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; Kempenich; Meier, L.; Pinkerton; Ruby; Schatz; Schneider; Thoreson

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

ABSENT AND NOT VOTING: Froelich; Zaiser

HCR 3055 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3057: A concurrent resolution for the amendment of section 7 of article IV of the Constitution of North Dakota, relating to the length of legislative sessions.

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 19 YEAS, 73 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Boucher; Dahl; Ekstrom; Gruchalla; Hanson; Hunskor; Kaldor; Keiser; Kelsh, J.; Kelsh, S.; Kroeber; Metcalf; Mock; Mueller; Schmidt; Vig; Winrich; Wolf

NAYS: Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlson; Clark; Conklin; Conrad; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Glassheim; Grande; Griffin; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsch, R.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Meyer, S.; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Zaiser

HCR 3057 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3062: A concurrent resolution for the amendment of section 7 of article IV of the Constitution of North Dakota, relating to the length of legislative sessions.

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 24 YEAS, 68 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Boucher; Conklin; Dahl; DeKrey; Delmore; Ekstrom; Glassheim; Gruchalla; Hanson; Kaldor; Kelsh, J.; Kelsh, S.; Kroeber; Mock; Mueller; Myxter; Potter; Ruby; Schmidt; Schneider; Vig; Winrich; Wolf

NAYS: Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlson; Clark; Conrad; Damschen; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Griffin; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Meyer, S.; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Zaiser

HCR 3062 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3047: A concurrent resolution for the amendment of section 4 of article V of the Constitution of North Dakota, relating to the qualifications of certain state officials; 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 0 YEAS, 92 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; 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; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Zaiser

Engrossed HCR 3047 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3052: 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 has committee recommendation of DO PASS, the roll was called and there were 70 YEAS, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Berg; Boe; Boucher; Brandenburg; Clark; Conklin; Conrad; Damschen; Delmore; Dosch; Ekstrom; Frantsvog; Froseth; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Weiler; Williams; Wolf; Wrangham; Speaker Monson

NAYS: Bellew; Belter; Boehning; Carlson; Dahl; DeKrey; Delzer; Drovdal; Glassheim; Grande; Headland; Kasper; Kempenich; Klemin; Koppelman; Myxter; Ruby; Thoreson; Wall; Weisz; Wieland; Winrich

ABSENT AND NOT VOTING: Froelich; Zaiser

Engrossed HCR 3052 was declared adopted and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3058: A concurrent resolution for the amendment of section 24 of article X of the Constitution of North Dakota, relating to the permitted growth of the foundation aid stabilization fund.

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 85 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; 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; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Winrich; Wolf; Speaker Monson

NAYS: Bellew; Damschen; Froseth; Klemin; Ruby; Weisz; Wrangham

ABSENT AND NOT VOTING: Froelich; Zaiser

Engrossed HCR 3058 was declared adopted and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3060: A concurrent resolution for the amendment of subsection 2 of section 6 of article VIII of the Constitution of North Dakota, relating to the process for appointing members to the state board of higher education.

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 38 YEAS, 54 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Headland; Heller; Karls; Kasper; Kempenich; Klein; Klemin; Kreidt; Nathe; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham

NAYS: Amerman; Boe; Boucher; Clark; Conklin; Conrad; Dahl; Delmore; Ekstrom; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Uglen; Vig; Wall; Williams; Winrich; Wolf; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Zaiser

Engrossed HCR 3060 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3046: A concurrent resolution for the amendment of sections 1, 4, 14, 15, and 16 of article X of the Constitution of North Dakota, relating to elimination of property taxes; to repeal sections 5, 6, 7, 9, and 10 of article X of the Constitution of North Dakota, relating to elimination of property taxes, poll taxes, and acreage taxes; to provide for a legislative council study before placement of this measure on the ballot; 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 6 YEAS, 86 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Hatlestad; Kempenich; Koppelman; Meier, L.; Schatz; Uglen

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

ABSENT AND NOT VOTING: Froelich; Zaiser

Engrossed HCR 3046 was declared lost.

REQUEST

REP. KRETSCHMAR REQUESTED to hear HCR 3056 separately and that it be placed on the 11th Order of today's calendar, which request was granted.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR
HCR 3061:** A concurrent resolution directing the Legislative Council to study educational delivery to Indian students, ways to address the unique challenges of that effort, and the feasibility and desirability of utilizing contractual options for state-supported educational delivery.

The question being on the final adoption of the resolution, which has been read.

HCR 3061 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3056: A concurrent resolution directing the Legislative Council to study the powers, duties, decisionmaking role, and the terms of the members of the local child protection teams and to examine the best way to collect and preserve evidence in child protective service assessments.

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 11 YEAS, 81 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Boehning; Delzer; Drovdal; Grande; Headland; Heller; Kreidt; Pollert; Thorpe; Weiler

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

ABSENT AND NOT VOTING: Froelich; Zaiser

Engrossed HCR 3056 was declared lost.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3004.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2158.

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

MR. PRESIDENT: The House has failed to pass: SB 2426.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2117.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2033, SB 2099, SB 2110, SB 2419.

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

MR. PRESIDENT: The House has passed unchanged: SB 2026, SB 2135, SB 2140, SB 2149, SB 2150, SB 2254, SB 2299, SB 2375, SB 2377.

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

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

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

MR. SPEAKER: The Senate has failed to pass: HB 1541.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1048, HB 1101, HB 1130, HB 1135, HB 1153, HB 1223, HB 1257, HB 1277, HB 1291, HB 1296, HB 1340, HB 1345, HB 1367, HB 1420, HB 1460, HB 1497, HB 1566.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2037, SB 2045, SB 2086, SB 2088, SB 2105, SB 2107, SB 2108, SB 2109, SB 2115, SB 2164, SB 2167, SB 2174, SB 2203, SB 2215, SB 2325, SB 2347.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1027, HB 1064.

MOTION

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

MOTION

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

REPORT OF STANDING COMMITTEE

SB 2038, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2038 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2090: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (20 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). SB 2090 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2091: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2091 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2118: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (21 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2118 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2166, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2166 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2179: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2179 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2182: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2182 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2184, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (23 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2184 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2219: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS** (8 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2219 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2220: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2220 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2222: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2222 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2227: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2227 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2235, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2235 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2240: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2240 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2241: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2241 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2268, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2268 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2307: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2307 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2367, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2367 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2390, as reengrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2390 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4001: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (22 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SCR 4001 was placed on the Tenth order on the calendar.

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

Buell J. Reich, Chief Clerk