

## JOURNAL OF THE HOUSE

## Sixty-first Legislative Assembly

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Bismarck, March 18, 2009

The House convened at 1:00 p.m., with Speaker Monson presiding.

The prayer was offered by Father Paul Eberle, Cathedral of the Holy Spirit Church, Bismarck.

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

A quorum was declared by the Speaker.

**POINT OF PERSONAL PRIVILEGE**

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

Mr. Speaker and members of the House. Please join me today in congratulating the Kidder County Lady Pirates in their State Championship win in the Class B Girls BB Tournament two weeks ago in Grand Forks. They were victorious in an evenly matched tournament where 4 of the games were won by 3 points or less and 3 of the games were won by 7 points or less. We all know that the mark of a good team is one that can win the close ones, and it was close in the championship game, with a buzzer beating winning shot under the basket by Ellie Benz, who was named MVP of the tournament.

If you come to Kidder County you will also see that these young women are not only great athletes, but also leaders in their school and communities, in academics and extracurricular activities including youth groups, music, drama, speech and 4-H.

Coach Mark Sand was not able to be with us today, but the Junior and Senior classes from Kidder County, including team members, are with us in the two chambers today.

Representative Weisz and I are proud to represent these accomplished young women and congratulate them, their coach, and the rest of the communities in Kidder County on their first ever Girls Basketball State Championship in their first ever appearance.

**The 2008-2009 Kidder County Lady Pirates:** Liz Schneider, Shauna Slaughter, Lindsey Sand, Bailie Ziesch, Erica Schneider, Nicole Biesterfeld, Eli Benz, Molly Kahl, Amber Rangeloff, Julia Scherbenske, Shalee Martin, Kayla Pfaff. **Coaches:** Mark Sand, Scott Wolff, Dan Welder. **Stats:** Darla Dewald and Megan Riskedah. **Superintendent:** Ken Miller. **Principal:** Darnell Schmidt. **Athletic Director:** Monty Mayer.

Thank you, Mr. Speaker.

**MOTION**

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

**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 47th and 48th Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 940, line 40, delete "HB 1392, "

Page 971, delete lines 2 through 7

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

**SIXTH ORDER OF BUSINESS**

**SPEAKER MONSON DEEMED** approval of the amendments to Engrossed SB 2040, Engrossed SB 2060, SB 2101, SB 2114, SB 2116, Engrossed SB 2129, Engrossed SB 2155, Reengrossed SB 2171, Reengrossed SB 2199, SB 2216, SB 2222, Reengrossed SB 2229, Engrossed SB 2230, SB 2234, Engrossed SB 2239, SB 2247, SB 2293, Engrossed SB 2332, Engrossed SB 2333, Engrossed SB 2355, SB 2373, SB 2402, Engrossed SB 2421, and SCR 4020.

Engrossed SB 2040, Engrossed SB 2155, Reengrossed SB 2199, SB 2216, Reengrossed SB 2229, Engrossed SB 2230, Engrossed SB 2332, Engrossed SB 2333, Engrossed SB 2355, SB 2373, and SB 2402, as amended, were rereferred to the **Appropriations Committee**.

SCR 4020, as amended, was placed on the Tenth order of business on the calendar for the succeeding legislative day.

Engrossed SB 2060, SB 2101, SB 2114, SB 2116, Engrossed SB 2129, Reengrossed SB 2171, SB 2222, SB 2234, Engrossed SB 2239, SB 2247, SB 2293, and Engrossed SB 2421, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MOTION

**REP. VIGESAA MOVED** that the rules be suspended, according to Rule 329 for SB 2040, SB 2199, SB 2229, SB 2373, SB 2402, and SB 2415, which motion prevailed.

#### MOTION

**REP. VIGESAA MOVED** that SB 2160 be returned to the House floor from the **Appropriations Committee** and be placed on the 14th Order of the following day's calendar, which motion prevailed. Pursuant to Rep. Vigesaa's motion, SB 2160 was placed on the 14th Order of the following day's calendar.

#### SECOND READING OF SENATE BILL

**SB 2224:** A BILL for an Act to create and enact a new section to chapter 57-43.2 of the North Dakota Century Code, relating to refund of special fuels taxes on fuels used for a refrigeration unit on a truck; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 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.; Kaldor; 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; 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:** Kerzman

Engrossed SB 2224, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2316:** A BILL for an Act to provide a recommendation concerning state cost-sharing for water retention projects.

#### 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 49 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Damschen; DeKrey; Delmore; Ekstrom; Froelich; Grande; Gruchalla; Hanson; Hunskor; Kaldor; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Koppelman; Kroeber; Metcalf; Mock; Mueller; Myxter; Nathe; Pietsch; Pinkerton; Porter; Potter; Ruby; Rust; Schneider; Skarphol; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Weisz; Wieland; Winrich; Wolf; Zaiser; Speaker Monson

**NAYS:** Bellew; Boe; Conklin; Conrad; Dahl; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Glassheim; Griffin; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Karls; Keiser; Kempenich; Kilichowski; Kingsbury; Klein;

Klemin; Kreidt; Kretschmar; Martinson; Meier, L.; Meyer, S.; Nelson; Nottestad; Onstad; Pollert; Schatz; Schmidt; Sukut; Wald; Wall; Weiler; Williams; Wrangham

**ABSENT AND NOT VOTING:** Kerzman

Engrossed SB 2316, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2352:** A BILL for an Act to amend and reenact section 54-21.2-03 of the North Dakota Century Code, relating to energy conservation standards for new buildings.

**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 93 YEAS, 0 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.; Kaldor; 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; 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:** Kerzman

SB 2352, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2413:** A BILL for an Act to create and enact a new section to chapter 57-51 of the North Dakota Century Code, relating to an oil and gas gross production tax exemption for certain gas to generate electricity; to amend and reenact section 38-08-06.4 and subsection 7 of section 49-02-25 of the North Dakota Century Code, relating to flaring of gas and renewable electricity and recycled energy; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 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.; Kaldor; 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; 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:** Kerzman

Engrossed SB 2413, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2417:** A BILL for an Act to provide for a legislative council study relating to the state facilitating the reduction of landfill waste and the potential for development of methane processing.

**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 91 YEAS, 2 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; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; 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

**NAYS:** Heller; Kreidt

**ABSENT AND NOT VOTING:** Kerzman

Engrossed SB 2417, as amended, passed and the title was agreed to.

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**MOTION**

**REP. CLARK MOVED** that the House reconsider its action whereby SB 2368 passed, which motion lost.

**REQUEST**

**REP. DROVDAL REQUESTED** a recorded roll call vote on the motion to reconsider the action whereby SB 2368 passed, which request was granted.

**ROLL CALL**

The question being on the motion to reconsider the action whereby SB 2368 passed, the roll was called and there were 44 YEAS, 49 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Delzer; Dosch; Drovdal; Frantsvog; Grande; Hatlestad; Headland; Heller; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Koppelman; Kreidt; Meier, L.; Nathe; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Wrangham; Speaker Monson

**NAYS:** Amerman; Boe; Boucher; Conklin; Conrad; Damschen; DeKrey; Delmore; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Weisz; Williams; Winrich; Wolf; Zaiser

**ABSENT AND NOT VOTING:** Kerzman

So the motion to reconsider the action whereby SB 2368 passed, failed.

**SECOND READING OF SENATE BILL**

**SB 2357:** A BILL for an Act to amend and reenact section 15.1-15-08 of the North Dakota Century Code, relating to discharge for cause.

**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 93 YEAS, 0 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.; Kaldor; 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; 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:** Kerzman

Engrossed SB 2357 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2289:** A BILL for an Act to amend and reenact section 15.1-19-02 of the North Dakota Century Code, relating to corporal punishment.

**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 93 YEAS, 0 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.; Kaldor; 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; 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:** Kerzman

Engrossed SB 2289 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2378:** A BILL for an Act to amend and reenact subsections 2 and 3 of section 39-29-03 and subsection 2 of section 39-29-05 of the North Dakota Century Code, relating to off-highway vehicle registration and the disposition of registration fees and trail tax.

**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 54 YEAS, 39 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Carlson; Conklin; Conrad; Dahl; Delmore; Ekstrom; Frantsvog; Froelich; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klemin; Kretschmar; Kroeber; Martinson; Meier, L.; Mock; Myxter; Nathe; Nelson; Nottestad; Onstad; Pinkerton; Porter; Potter; Schmidt; Schneider; Sukut; Thorpe; Uglem; Wall; Williams; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Clark; Damschen; DeKrey; Delzer; Dosch; Drovdal; Froseth; Grande; Headland; Heller; Kasper; Kempenich; Klein; Koppelman; Kreidt; Metcalf; Meyer, S.; Mueller; Pietsch; Pollert; Ruby; Rust; Schatz; Skarphol; Svedjan; Thoreson; Vig; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Kerzman

Engrossed SB 2378 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2112:** A BILL for an Act to amend and reenact subsection 10 of section 39-06.1-05, section 39-06.1-09, paragraph 13 of subdivision b of subsection 3 of section 39-06.1-10, and section 39-10-26 of the North Dakota Century Code, relating to operation of a vehicle on approach of department of transportation vehicles; and to provide a penalty.

**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 91 YEAS, 2 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.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemm; 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; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Kasper; Schatz

**ABSENT AND NOT VOTING:** Kerzman

Engrossed SB 2112, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2223:** A BILL for an Act to provide for a regional public transportation pilot project; and to provide for a report to the legislative assembly.

**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 69 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Berg; Boe; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Ekstrom; Frantsvog; Froelich; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Hofstad; Holman; Hunskor; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Ruby; Schmidt; Schneider; Sukut; Thorpe; Uglem; Vig; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

**NAYS:** Belter; Boehning; Delzer; Dosch; Drovdal; Froseth; Grande; Hatlestad; Headland; Heller; Johnson, D.; Kasper; Kempenich; Kreidt; Nathe; Pollert; Rust; Schatz; Skarphol; Svedjan; Thoreson; Wald; Weiler; Wrangham

**ABSENT AND NOT VOTING:** Kerzman

Engrossed SB 2223, as amended, 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:** The Speaker has signed: SB 2091, SB 2209, SB 2210, SB 2211, SB 2233, SB 2253, SB 2281, SB 2282, SB 2298, SB 2300, SB 2328, SB 2422.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2370, SB 2388, SB 2389, SB 2416.

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

**MR. PRESIDENT:** The House has failed to pass unchanged: SB 2383, SB 2385, SB 2411.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2035.

**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 2131.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1038, HB 1067, HB 1121, HB 1142, HB 1168, HB 1245, HB 1294, HB 1318, HB 1323, HB 1341, HB 1351, HB 1383, HB 1475, HB 1495, HB 1567.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2033, SB 2153, SB 2217, SB 2259, SB 2274, SB 2309, SB 2313, SB 2321, SB 2349, SB 2354, SB 2380.

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

**MR. SPEAKER:** The Senate has failed to pass unchanged: HB 1457.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1128, HB 1181.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1147, HB 1280, HB 1389, HB 1545.

**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 1438.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1438**

Page 1, line 2, remove the first "and"

Page 1, line 4, after "license" insert "; and to declare an emergency"

Page 8, after line 24, insert:

**"SECTION 5. 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 1151, HB 1194, HB 1295, HB 1391.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1151**

Page 1, line 3, after "65-01-13" insert ", 65-03-04,"

Page 1, line 4, after the third comma insert "safety grant awards,"

Page 2, after line 4, insert:

**"SECTION 3. AMENDMENT.** Section 65-03-04 of the North Dakota Century Code is amended and reenacted as follows:

**65-03-04. Safety programs - Continuing appropriation.** The organization shall create and operate work safety and loss prevention programs to protect the health of covered employees and the financial integrity of the fund, including programs promoting safety practices by employers and employees through education, training, consultation, grants, or incentives. As a term of award of a grant under this section, a recipient authorizes the organization to disclose the name of the award recipient and the amount of the award received. Any funds deposited in the workforce safety insurance fund are appropriated to the organization on a continuing basis for the purpose of funding the programs implemented under this section.

Page 2, line 25, replace "that" with "which the organization is specifically authorized to disclose or under section 65-03-04 which"

ReNUMBER accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1194**

Page 1, line 15, after the period insert "For purposes of this section, a foreign corporation authorized under chapter 10-33 is not an eligible organization unless authorized to conduct a raffle under chapter 20.1-08 and may not conduct a game other than a raffle under chapter 20.1-08."

ReNUMBER accordingly

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

Page 4, line 5, remove "Class IV vehicles may not operate on a highway with a"

Page 4, remove line 6

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1391**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE COUNCIL STUDY - HEALTH INSURANCE NEEDS - REPORT.** During the 2009-10 interim, the legislative council shall conduct a comprehensive study of unmet health care needs in the state. The study must include an assessment of the needs of underinsured and uninsured individuals and families. In addition to considering the federal health care initiatives, the study must include consultation with the state department of health, the insurance commissioner, and the department of human services. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2033, SB 2153, SB 2217, SB 2259, SB 2274, SB 2309, SB 2313, SB 2321, SB 2349, SB 2354, SB 2380.

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

**MR. SPEAKER:** The President has signed: HCR 3004.

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

**MR. SPEAKER:** The President has signed: HB 1025, HB 1061, HB 1084, HB 1087, HB 1098, HB 1099, HB 1137, HB 1141, HB 1184, HB 1201, HB 1205, HB 1215, HB 1273, HB 1300, HB 1353, HB 1382, HB 1430, HB 1451, HB 1455, HB 1500, HCR 3023.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1001.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1001**

Page 1, line 13, replace "349,201" with "452,036" and replace "2,938,936" with "3,041,771"

Page 1, line 14, replace "(30,000)" with "0" and replace "396,787" with "426,787"

Page 1, line 21, replace "153,701" with "286,536" and replace "3,356,523" with "3,489,358"

Page 1, line 23, replace "253,701" with "386,536" and replace "3,356,523" with "3,489,358"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98002.0301 FN 1**

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

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

**MR. SPEAKER:** The President has signed: SB 2029, SB 2031, SB 2032, SB 2039, SB 2048, SB 2055, SB 2056, SB 2058, SB 2071, SB 2073, SB 2074, SB 2077, SB 2078, SB 2079, SB 2080, SB 2093, SB 2094, SB 2102, SB 2104, SB 2106, SB 2111, SB 2113, SB 2119, SB 2120, SB 2122, SB 2130, SB 2134, SB 2136, SB 2144, SB 2145, SB 2180, SB 2193, SB 2299, SB 2325, SB 2347, SB 2375, SB 2376, SB 2377, SB 2392.

**MOTION**

**REP. VIGESAA MOVED** that the absent member 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 1:00 p.m., Thursday, March 19, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2082: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2082 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 891 and 892 of the House Journal, Senate Bill No. 2082 is amended as follows:

Page 1, line 1, replace "section" with "sections 15-10-18.2 and"

Page 1, line 2, remove "eligibility of veterans for resident" and after "tuition" insert "and tuition waivers for veterans and their dependents"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 15-10-18.2 of the North Dakota Century Code is amended and reenacted as follows:

**15-10-18.2. Definitions.**

1. "Dependent" for purposes of section 15-10-18.3 means:
  - a. A child, stepchild, spouse, widow, or widower of a resident veteran, as "veteran" is defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, was totally disabled as a result of service-connected causes, died from service-connected disabilities, was a prisoner of war, or was declared missing in action; ~~or~~
  - b. A child or a stepchild of a veteran, as defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, was totally disabled as a result of service-connected causes, died from service-connected disabilities, was a prisoner of war, or was declared missing in action, provided the child's other parent has been a resident of this state and was a resident of this state at the time of death or determination of total disability of the veteran; or
  - c. A child or a stepchild of a veteran, as defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, was totally disabled as a result of service-connected causes, died from service-connected disabilities, was a prisoner of war, or was declared missing in action, provided the child's other parent establishes residency in this state and maintains that residency for a period of five years immediately preceding the child's or stepchild's enrollment at an institution under the control of the state board of higher education.
2. "Resident veteran" means a veteran who:
  - a. Was born in and lived in this state until entrance into the armed forces of the United States;
  - b. Was born in, but was temporarily living outside this state, not having abandoned residence therein prior to entrance into the armed forces of the United States;
  - c. Was born elsewhere but had resided within this state for at least six months prior to entrance into military service and had prior to or during such six-month period:
    - (1) Registered for voting, or voted in this state;

- (2) Being an unemancipated minor during such period of residence, had lived with a parent or person standing in loco parentis who had acquired a residence as set forth in this section; or
- (3) If not registered for voting in this state, not registered for voting in another state; or
- d. Has been a resident of this state for the ten years prior to the request for tuition waiver."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2085: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2085 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2087, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2087 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "begins to reduce" with "reduces"

Page 1, line 17, replace "under consideration" with "to fifty percent or fewer of the total number of applicants or candidates"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2161: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2161 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "; to amend and reenact section" with a period

Page 1, remove lines 3 through 5

Page 4, remove lines 13 through 30

Page 5, remove lines 1 through 23

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2176, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2176 was placed on the Sixth order on the calendar.

Page 1, line 6, overstrike "when the" and insert immediately thereafter "a"

Page 1, line 7, after "property" insert "which" and overstrike "it"

Page 1, line 9, after the second underscored comma insert "and at the option of any surviving lessee or of the estate of the decedent,"

Page 1, line 10, after "lessee" insert "unless the lease term expires before that time"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2202, as reengrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2202 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of school enrollment and attendance."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE COUNCIL STUDY - SCHOOL ENROLLMENT AND ATTENDANCE.** During the 2009-10 interim, the legislative council shall consider studying school enrollment and attendance, including the age of admission, the quality and use of development and readiness screening instruments, compulsory attendance requirements, statutory exemptions from compulsory attendance requirements, and truancy. The study must examine other states' requirements for school enrollment and attendance and research governing the short-term and long-term impact of enrollment and attendance decisions on students. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2219: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2219 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "one hundred" with "fifty"

Page 1, line 14, replace "one hundred" with "fifty"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2250, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2250 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "11-18-14,"

Page 1, remove lines 9 through 19

Page 3, line 1, after "**lien**" insert "**- Notice**"

Page 3, line 16, after the period insert "Written notice that a lien will be claimed must be given to the owner of the real estate by certified mail at least ten days before the recording of the construction lien."

Page 3, line 19, overstrike "**Notice -**"

Page 6, line 6, remove "or of a notice of intention to claim a construction lien"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2288: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2288 was placed on the Sixth order on the calendar.

Page 1, line 15, overstrike "or" and insert immediately thereafter an underscored comma and after "districts" insert ", or alternative schools"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2415, 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** (13 YEAS, 0 NAYS, 0 ABSENT)

AND NOT VOTING). Reengrossed SB 2415 was placed on the Sixth order on the calendar.

Page 1, line 2, after "licensure" insert "and classification system" and after the semicolon insert "to provide an effective date;"

Page 1, line 8, overstrike "chief" and insert immediately thereafter "director"

Page 1, line 10, overstrike "chief" and insert immediately thereafter "director by a resident or nonresident citizen of the United States"

Page 1, line 11, after "a." insert "The applicant is at least twenty-one years of age for a class 1 license or at least eighteen years of age for a class 2 license.

b."

Page 1, line 14, overstrike "b." and insert immediately thereafter "c."

Page 1, line 15, overstrike "c." and insert immediately thereafter "d."

Page 1, line 19, overstrike "attended a" and insert immediately thereafter "successfully completed the"

Page 1, line 20, overstrike "pursuant to rules adopted by the attorney"

Page 1, line 21, overstrike "general" and insert immediately thereafter "by a certified firearm or dangerous weapon instructor"

Page 1, line 24, overstrike "A weapons instructor certified by"

Page 2, line 1, overstrike "the attorney general shall conduct the testing procedure." and remove the overstrike over "~~The attorney~~"

Page 2, line 2, remove the overstrike over "~~general~~"

Page 2, line 4, overstrike "The testing procedure is not required for a"

Page 2, line 5, overstrike "renewal of a concealed weapons license" and insert immediately thereafter "may certify a firearm or dangerous weapon instructor based upon criteria and guidelines prescribed by the director of the bureau of criminal investigation"

Page 2, line 6, overstrike "d." and insert immediately thereafter "e."

Page 2, line 8, after the period insert "To pass a background investigation, an applicant shall provide all documentation relating to any court-ordered treatment or commitment for mental health or alcohol or substance abuse or incidents of domestic violence. The applicant shall provide the director of the bureau of criminal investigation written authorizations for disclosure of the applicant's mental health and alcohol or substance abuse evaluation and treatment records."

Page 2, line 9, overstrike "e." and insert immediately thereafter "f."

Page 2, line 11, after "2." insert "The attorney general shall offer class 1 and class 2 licenses to carry a firearm or dangerous weapon concealed pursuant to the following requirements:

a. An applicant for a class 1 license shall successfully participate in a classroom instruction that sets forth weapon safety rules and the deadly force law of North Dakota, complete an open book test based upon a manual, demonstrate familiarity with a firearm or dangerous weapon, and complete an actual shooting or certified proficiency exercise. Evidence of familiarity with a firearm or dangerous weapon to be concealed may be satisfied by one of the following:

(1) Certification of familiarity with a firearm or dangerous weapon by an individual who has been certified by the attorney general, which may include a law enforcement officer, military or civilian firearms instructor, hunter safety instructor, or dangerous weapons instructor;

- (2) Evidence of equivalent experience with a firearm or dangerous weapon through participation in an organized shooting competition, law enforcement, military service, or dangerous weapon course of training;
  - (3) Possession of a license from another state to carry a firearm or dangerous weapon, concealed or otherwise, which is granted by that state upon completion of a course described in paragraphs 1 and 2; or
  - (4) Evidence that the applicant, during military service, was found to be qualified to operate a firearm or dangerous weapon.
- b. An applicant for a class 2 license is required to successfully complete the open book test offered for the class 1 license.
  - c. Licenses issued before August 1, 2009, regardless of the age of the license holder, convert to a class 2 license upon renewal and no additional testing is required. No additional testing is required to renew a class 2 concealed weapons license. A class 1 license may be renewed upon successful completion of the class 1 requirements within one year before submission of the application for renewal. A license issued under this section before August 1, 2009, and a class 2 license may be upgraded to a class 1 license upon successful completion of the class 1 requirements and satisfaction of the age requirement.

3."

Page 2, line 18, overstrike "3." and insert immediately thereafter "4." and overstrike "twenty-five dollars. Ten" and insert immediately thereafter "forty-five"

Page 2, overstrike line 19 and insert immediately thereafter ", which"

Page 2, line 20, overstrike "up to a total of"

Page 2, line 21, overstrike "seventy-five thousand dollars each biennium" and overstrike "Any collections from fifteen dollars"

Page 2, overstrike lines 22 and 23

Page 2, line 26, overstrike "4." and insert immediately thereafter "5." and overstrike "chief" and insert immediately thereafter "director"

Page 3, line 4, overstrike "chief" and insert immediately thereafter "director"

Page 3, line 7, overstrike "chief" and insert immediately thereafter "director"

Page 3, line 10, overstrike "5." and insert immediately thereafter "6." and overstrike "chief" and insert immediately thereafter "director"

Page 3, line 13, overstrike "6." and insert immediately thereafter "7."

Page 3, line 14, overstrike "of the applicant's county of residence" and insert immediately thereafter "of Burleigh County"

Page 3, line 15, overstrike "7." and insert immediately thereafter "8."

Page 3, line 23, overstrike "8." and insert immediately thereafter "9.", remove the overstrike over "~~may~~", remove "shall", after "adopt" insert "any", remove the overstrike over "rules" and insert immediately thereafter "necessary", remove the overstrike over "~~to carry out this title~~", and remove "by rule written and"

Page 3, remove line 24

Page 3, line 25, remove "or is otherwise valid in as many states as possible" and remove "The rules must allow a"

Page 3, remove lines 26 through 30

Page 4, replace lines 1 through 5 with:

**"SECTION 2. EFFECTIVE DATE.** Subsection 5 of section 1 of this Act becomes effective on July 1, 2011."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4009, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4009 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4026: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4026 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4028: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4028 was placed on the Tenth order on the calendar.

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

**Buell J. Reich, Chief Clerk**