

**JOURNAL OF THE HOUSE**

**Sixty-first Legislative Assembly**

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**Bismarck, January 21, 2009**

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

The prayer was offered by Pastor Boots Marsh, Tipi Wakan Mission, Cannonball.

The roll was called and all members were present except Representatives Glassheim, Schmidt, and Winrich.

A quorum was declared by the Speaker.

**SIXTH ORDER OF BUSINESS**

**SPEAKER MONSON DEEMED** approval of the amendments to HB 1045, HB 1125, and HB 1140.

HB 1045, HB 1125, and HB 1140, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**ANNOUNCEMENT**

**SPEAKER MONSON ANNOUNCED** the appointments to the Memorial Committee: Rep. Vigessa, Chairman; Rep. Heller; Rep. Uglem; Rep. Metcalf; and Rep. Potter.

**MOTION**

**REP. VIGESAA MOVED** that HB 1387 be returned to the House floor from the **Political Subdivisions Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Vigessaa's motion, HB 1387 was rereferred.

**MOTION**

**REP. WEISZ MOVED** that HB 1183 be returned to the House floor from the **Human Services Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**REP. DELMORE REQUESTED** the unanimous consent of the House to withdraw HB 1183. There being no objection, it was so ordered by the Speaker.

**SECOND READING OF HOUSE BILL**

**HB 1052:** A BILL for an Act to provide an appropriation to the adjutant general for phase two of the department of emergency services' computer-aided dispatch system.

**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 9 YEAS, 82 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Boe; Ekstrom; Froelich; Kaldor; Kerzman; Martinson; Porter; Potter; Thorpe

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

**ABSENT AND NOT VOTING:** Glassheim; Schmidt; Winrich

HB 1052 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1054:** A BILL for an Act to provide for a study by the adjutant general of the effects of next generation 911; 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 43 YEAS, 48 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Delmore; Ekstrom; Froelich; Griffin; Gruchalla; Hanson; Hawken; Holman; Hunskor; Johnson, N.; Kaldor; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pinkerton; Porter; Potter; Schneider; Thorpe; Vig; Wald; Weisz; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Hatlestad; Headland; Heller; Hofstad; Johnson, D.; Kasper; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Nathe; Pietsch; Pollert; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wall; Weiler; Wieland; Williams; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Glassheim; Schmidt; Winrich

HB 1054 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1055:** A BILL for an Act to provide an appropriation to the adjutant general for regional training and exercising activities.

**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, 85 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Ekstrom; Gruchalla; Kaldor; Kerzman; Kroeber; Vigesaa

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

**ABSENT AND NOT VOTING:** Glassheim; Schmidt; Winrich

HB 1055 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1147:** A BILL for an Act to amend and reenact sections 43-02.2-02, 43-02.2-04, and 43-02.2-04.1, subsections 1 and 5 of section 43-02.2-06, subsection 1 of section 43-02.2-09, section 43-02.2-10, subsections 1 and 3 of section 43-02.2-11, and subsections 1, 2, 3, 5, 6, and 7 of section 43-02.2-12 of the North Dakota Century Code, relating to certified public accountants and the practice of public accountancy.

**ROLL CALL**

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom;

Frantsvog; Froelich; Froseth; 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; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Glassheim; Schmidt; Winrich

HB 1147 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1148:** A BILL for an Act to amend and reenact section 54-10-15 of the North Dakota Century Code, relating to audits conducted by the state auditor at the request of the state court administrator.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; 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.; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Metcalf

**ABSENT AND NOT VOTING:** Glassheim; Schmidt; Winrich

HB 1148 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

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

### ROLL CALL

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; 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; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Glassheim; Schmidt; Winrich

HB 1153 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1025:** A BILL for an Act to create and enact title 4.1 of the North Dakota Century Code, relating to agriculture; to amend and reenact sections 4-13.2-03, 36-04-10, 36-04-10.1, and 36-05-13.2 and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to agricultural commodity boards and commissions; to repeal chapters 4-10.1, 4-10.2, 4-10.3, 4-10.4, 4-10.5, 4-10.6, 4-10.7, 4-12.1, 4-13.1, 4-27, 4-28, and 4-34 of the North Dakota Century Code, relating to the North Dakota potato council and assessment, the North Dakota oilseed council and assessment, the North Dakota dry bean council and assessment, the North Dakota barley council and assessment, the North Dakota soybean council and assessment, the North Dakota corn utilization council and assessment, the North Dakota dry pea and lentil council and assessment, the North Dakota honey assessment, the North Dakota turkey assessment, the North Dakota dairy promotion commission and assessment, the North Dakota wheat commission and assessment, and the North Dakota beef commission and assessment; to provide a penalty; and to provide a continuing appropriation.

**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 90 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; 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; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Delzer

**ABSENT AND NOT VOTING:** Glassheim; Schmidt; Winrich

Engrossed HB 1025 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1093:** A BILL for an Act to amend and reenact subsection 4 of section 43-41-04 of the North Dakota Century Code, relating to the licensing of social workers.

**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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; 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; Schneider; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Glassheim; Schmidt; Skarphol; Winrich

Engrossed HB 1093 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1069:** A BILL for an Act to amend and reenact subsection 9 of section 32-03.2-11 of the North Dakota Century Code, relating to exemplary damages.

**ROLL CALL**

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; 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; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Glassheim; Schmidt; Winrich

HB 1069 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1126:** A BILL for an Act to amend and reenact section 57-51.1-07.3 of the North Dakota Century Code, relating to the transfer of oil and gas gross production tax and oil extraction tax revenues.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Grande; Griffin; Gruchalla; Hanson; 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; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Glassheim; Hatlestad; Schmidt; Winrich

HB 1126 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1195:** A BILL for an Act to create and enact a new section to chapter 22-02 of the North Dakota Century Code, relating to indemnity agreements in motor carrier transportation contracts.

**ROLL CALL**

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; 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; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Glassheim; Schmidt; Winrich

HB 1195 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1134:** A BILL for an Act to amend and reenact section 39-20-03.1 of the North Dakota Century Code, relating to mailing of report and notice forms for driving under the influence.

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; 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; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Glassheim; Schmidt; Winrich

Engrossed HB 1134 passed and the title was agreed to.

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### MOTION

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

### MOTION

**REP. VIGESAA MOVED** that the House be on the Fifth and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, January 22, 2009, which motion prevailed.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1099, HB 1136, HB 1143, HB 1166, HB 1168.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2026, SB 2079, SB 2081, SB 2104, SB 2120, SB 2146, SB 2156, SB 2159.

### REPORT OF STANDING COMMITTEE

**HB 1027: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (20 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1027 was placed on the Eleventh order on the calendar.

### REPORT OF STANDING COMMITTEE

**HB 1089: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1089 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "a" with "two"

Page 1, line 2, replace "subsection" with "subsections"

Page 4, line 6, replace "A" with "Two" and replace "subsection" with "subsections"

Page 4, line 7, replace "is" with "are"

Page 4, line 8, replace "a child" with "an individual"

Page 4, line 10, replace "child" with "individual"

Page 4, after line 10, insert:

"The records of the division relating to an individual who is or has been in the custody of the division may be disclosed to the United States social security administration upon written authorization for disclosure by the individual's parent or legal guardian if the individual is a child, or if the individual is no longer a child, by the individual."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1100: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1100 was placed on the Sixth order on the calendar.

Page 3, line 17, replace "that" with "than"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1109: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1109 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1111: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1111 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1112: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1112 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1152: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1152 was placed on the Sixth order on the calendar.

Page 2, line 11, overstrike the first "or" and insert immediately thereafter an underscored comma, after "director" insert ", or employee", and overstrike "office" and insert immediately thereafter "any position"

Page 2, line 12, after "suspension" insert "or removal", overstrike "for reelection", and after the second "to" insert "occupy"

Page 2, line 13, overstrike "official"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1154: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1154 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "by the state banking" with "under title 12, Code of Federal Regulations, part 325, in effect on August 1, 2009."

Page 1, remove line 7

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1156: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1156 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1192: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1192 was placed on the Sixth order on the calendar.

Page 1, line 18, after the underscored period insert "The commissioner shall give a licensee not less than sixty days' notice of the biennial license continuation filing deadline."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1220: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1220 was placed on the Sixth order on the calendar.

Page 1, line 18, remove "conducted by a governing body"

Page 1, line 20, after "ordinance" insert "if a quorum of the members of the governing body are present but are not discussing public business as the full governing body or as a task force or working group"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1258: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1258 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide a penalty"

Page 1, line 4, remove "- Penalty"

Page 1, line 21, replace "suffers from" with "claims to have"

Page 2, remove lines 18 through 20

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1290: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (12 YEAS, 11 NAYS, 2 ABSENT AND NOT VOTING). HB 1290 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1319: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1319 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1332: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1332 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1368: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1368 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "date" insert "; and to provide an expiration date"



Page 5, line 1, replace "wholesale" with ";

- a. Wholesale"

Page 5, line 6, after "year" insert " ; or

- b. The sale of cigarettes solely for the purpose of consumer testing. For purposes of this subsection, "consumer testing" means an assessment of cigarettes which is conducted by a manufacturer, or under the control and direction of a manufacturer, for the purpose of evaluating consumer acceptance of those cigarettes, utilizing only the quantity of cigarettes which is reasonably necessary for the assessment.
- 8. This chapter must be interpreted and construed to effectuate its general purpose to make uniform this chapter with the laws of those states that have enacted reduced cigarette ignition propensity laws as of the date this chapter is enacted"

Page 5, line 31, replace "a fee of at least" with "an initial fee of"

Page 8, line 15, replace "for a first offense, and for a subsequent" with ", but"

Page 8, line 16, remove "offense a civil penalty"

Page 8, replace lines 21 through 25 with:

- "5. If any law enforcement personnel or duly authorized representative of the state fire marshal discovers any cigarettes for which no certification has been filed as required by section 18-13-03, or which have not been marked as required by section 18-13-04, that personnel or representative may seize and take possession of the cigarettes. Cigarettes seized under this subsection must be destroyed; provided, however, that before the destruction of the cigarettes, the true holder of the trademark rights in the cigarette brand is permitted to inspect the cigarette."

Page 8, line 28, replace "injunctive relief or to" with ";

- a. Preliminary or permanent injunctive relief against any manufacturer, importer, wholesale dealer, retail dealer, agent, or any other person to enjoin the person from selling, offering to sell, or affixing tax stamps to any cigarette that does not comply with the requirements of this chapter; or
- b. To"

Page 8, line 30, after the underscored period insert:

7."

Page 9, line 31, after "**DATE**" insert " - **EXPIRATION DATE**" and after "2010" insert ", however, this Act becomes ineffective on the date the state fire marshal certifies to the legislative council that a federal reduced cigarette ignition propensity standard has been adopted and has become effective"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1378: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1378 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1405: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1405 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1406: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (15 YEAS, 8 NAYS, 2 ABSENT AND NOT VOTING). HB 1406 was placed on the Eleventh order on the calendar.

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

**Buell J. Reich, Chief Clerk**