

**JOURNAL OF THE HOUSE**

**Sixty-first Legislative Assembly**

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**Bismarck, January 30, 2009**

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

The prayer was offered by Pastor Tim Jenks, Bethel Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Brandenburg, Clark, Kempenich, Pollert, Svedjan, and Wieland.

A quorum was declared by the Speaker.

**SIXTH ORDER OF BUSINESS**

**SPEAKER MONSON DEEMED** approval of the amendments to HB 1040, HB 1237, HB 1256, HB 1272, HB 1280, HB 1296, HB 1298, HB 1303, HB 1307, HB 1364, HB 1387, and HCR 3002.

HB 1040 and HB 1256, as amended, were rereferred to the **Appropriations Committee**.

HB 1237, HB 1272, HB 1280, HB 1296, HB 1298, HB 1303, HB 1307, HB 1364, HB 1387, and HCR 3002, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. VIGESAA MOVED** that HB 1206 be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1206:** A BILL for an Act to provide for a portion of paved four-lane highway for United States highway 52.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 69 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Boe; Boucher; Conrad; Drovdal; Frantsvog; Froseth; Hunskor; Johnson, N.; Klein; Meyer, S.; Nelson; Nottestad; Onstad; Pinkerton; Rust; Skarphol; Wald; Winrich; Wolf

**NAYS:** Amerman; Bellew; Belter; Berg; Boehning; Carlson; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Ekstrom; Froelich; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Mock; Mueller; Myxter; Nathe; Pietsch; Porter; Potter; Ruby; Schatz; Schmidt; Schneider; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Williams; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Brandenburg; Clark; Kempenich; Pollert; Svedjan; Wieland

Engrossed HB 1206 lost.

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**MOTION**

**REP. VIGESAA MOVED** that HB 1356 be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1356:** A BILL for an Act to provide for the prioritization of new pavement on a portion of United States highway 83.

**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 11 YEAS, 77 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Boe; Boucher; Conklin; Headland; Kelsch, R.; Meier, L.; Nathe; Onstad; Pinkerton; Porter; Weiler

**NAYS:** Amerman; Bellew; Belter; Berg; Boehning; Carlson; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovda; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Pietsch; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Brandenburg; Clark; Kempenich; Pollert; Svedjan; Wieland

HB 1356 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1245:** A BILL for an Act to amend and reenact section 26.1-41-03 of the North Dakota Century Code, relating to eliminating the need for a written request to suspend automobile coverage.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 1 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovda; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; 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; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Wald

**ABSENT AND NOT VOTING:** Brandenburg; Clark; Kempenich; Pollert; Svedjan; Wieland

HB 1245 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1287:** A BILL for an Act to amend and reenact subsection 7 of section 39-06.1-10 of the North Dakota Century Code, relating to the suspension of drivers' licenses.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovda; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; 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;

Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Brandenburg; Clark; Kempenich; Pollert; Svedjan; Wieland

HB 1287 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1217:** A BILL for an Act to amend and reenact section 20.1-01-22 of the North Dakota Century Code, relating to hunting on lands having unharvested oilseed crops; 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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; 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; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Brandenburg; Clark; Kempenich; Pollert; Svedjan; Wieland

Engrossed HB 1217 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1239:** A BILL for an Act to amend and reenact section 20.1-01-17 of the North Dakota Century Code, relating to posting of lands to prohibit hunting; 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 86 YEAS, 2 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Kretschmar; Pinkerton

**ABSENT AND NOT VOTING:** Brandenburg; Clark; Kempenich; Pollert; Svedjan; Wieland

Engrossed HB 1239 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1075:** A BILL for an Act to amend and reenact section 15.1-32-12 of the North Dakota Century Code, relating to special education multidisciplinary team members.

**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, 79 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Boe; DeKrey; Frantsvog; Grande; Pinkerton; Thorpe; Weisz; Wolf

**NAYS:** Amerman; Belter; Berg; Boehning; Boucher; Carlson; Conklin; Conrad; Dahl; Damschen; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; 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; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Williams; Winrich; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Brandenburg; Clark; Kempenich; Pollert; Svedjan; Wieland

HB 1075 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1079:** A BILL for an Act to amend and reenact sections 48-01.2-07 and 48-01.2-25 of the North Dakota Century Code, relating to opening bids for public improvements and authority of the state board of higher education to change or expand a public improvement.

**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 0 YEAS, 87 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**NAYS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; Conklin; Conrad; Dahl; Damschen; DeKrey; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; 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; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Brandenburg; Clark; Delmore; Kempenich; Pollert; Svedjan; Wieland

HB 1079 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1248:** A BILL for an Act to create and enact a new section to chapter 20.1-06 of the North Dakota Century Code, relating to the taking of fish.

**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 7 YEAS, 81 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Conklin; DeKrey; Meyer, S.; Onstad; Schmidt; Schneider; Vig

**NAYS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; Conrad; Dahl; Damschen; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Pietsch; Pinkerton; Porter; Potter; Ruby; Rust;

Schatz; Skarphol; Sukut; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Brandenburg; Clark; Kempenich; Pollert; Svedjan; Wieland

HB 1248 lost.

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### SECOND READING OF HOUSE BILL

**HB 1292:** A BILL for an Act to provide an appropriation to the department of transportation for the improvement of certain roadways on the state highway 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 1 YEAS, 86 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Drovdal

**NAYS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; Conklin; Conrad; Dahl; DeKrey; Delmore; Delzer; Dosch; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; 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; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Brandenburg; Clark; Damschen; Kempenich; Pollert; Svedjan; Wieland

HB 1292 lost.

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### SECOND READING OF HOUSE BILL

**HB 1318:** A BILL for an Act to amend and reenact subsection 7 of section 39-24-09 of the North Dakota Century Code, relating to snowmobile travel.

### 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 84 YEAS, 4 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**NAYS:** Froseth; Gruchalla; Kelsh, S.; Myxter

**ABSENT AND NOT VOTING:** Brandenburg; Clark; Kempenich; Pollert; Svedjan; Wieland

HB 1318 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1360:** A BILL for an Act to create and enact a new section to chapter 15.1-09.1 of the North Dakota Century Code, relating to the rights of regional education association employees.

**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 83 YEAS, 4 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Carlson; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; 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; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weisz; Williams; Winrich; Wolf; Zaiser

**NAYS:** Delzer; Wald; Weiler; Wrangham

**ABSENT AND NOT VOTING:** Brandenburg; Clark; Kempenich; Pollert; Svedjan; Wieland; Speaker Monson

HB 1360 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1373:** A BILL for an Act to provide an appropriation to the department of transportation for providing grants to counties for road repairs.

**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 27 YEAS, 60 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Damschen; Ekstrom; Holman; Hunskor; Kaldor; Kelsh, J.; Kerzman; Kilichowski; Metcalf; Meyer, S.; Mock; Mueller; Nottestad; Onstad; Pinkerton; Schmidt; Thorpe; Vig; Williams; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Carlson; Dahl; DeKrey; Delmore; Delzer; Dosch; Drovdal; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, S.; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Myxter; Nathe; Nelson; Pietsch; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Brandenburg; Clark; Kelsch, R.; Kempenich; Pollert; Svedjan; Wieland

HB 1373 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1452:** A BILL for an Act to create and enact section 16.1-13-08.1 of the North Dakota Century Code, relating to the call for a special election to fill a vacancy in the United States House of Representatives due to a catastrophic circumstance.

**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 83 YEAS, 3 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Boe; Boehning; Boucher; Carlson; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; 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; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Ruby; Rust; Schatz;

Schmidt; Schneider; Skarphol; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Delzer; Myxter; Weiler

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Kelsch, R.; Kempenich; Pollert; Svedjan; Wieland

HB 1452 passed and the title was agreed to.

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#### MOTION

**REP. VIGESAA MOVED** that HB 1046 and HB 1029 be moved to the bottom of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3003:** A concurrent resolution directing the Legislative Council to study the extent to which the funding mechanisms and administrative structures of the federal, state, and county governments enhance or detract from the ability of the social service programs of tribal governments to meet the needs of tribal members.

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

**YEAS:** Amerman; Bellew; Belter; Boe; Boehning; Boucher; Carlson; 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; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Kelsch, R.; Kempenich; Metcalf; Pollert; Svedjan; Wieland

Engrossed HCR 3003 was declared adopted and the title was agreed to.

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#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3007:** A concurrent resolution urging Congress to amend federal law or policy to implement the North Dakota Game and Fish Department alternative that would allow North Dakota resident sharpshooters to take elk within Theodore Roosevelt National Park to assist the National Park Service in reducing and managing the park's elk population.

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

**YEAS:** Amerman; Bellew; Belter; Boe; Boehning; Boucher; Carlson; 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; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; 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; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Kelsch, R.; Kempenich; Pollert; Svedjan; Wieland

Engrossed HCR 3007 was declared adopted and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1127:** A BILL for an Act to amend and reenact section 12-62-01.1, subsection 1 of section 19-03.1-32, and subsection 5 of section 54-12-14 of the North Dakota Century Code, relating to the time within which county and city officials have to furnish crime statistics to the attorney general's office, the powers of enforcement personnel, and the asset forfeiture fund; and to repeal sections 44-04-23, 54-12-15, and 54-12-16 of the North Dakota Century Code, relating to computer software concerns upon the advent of the year 2000 and the duties of and protections offered by the drug enforcement unit were assumed by the bureau of criminal investigation.

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

**YEAS:** Amerman; Bellew; Belter; Boe; Boehning; Boucher; Carlson; 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; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; 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; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Kelsch, R.; Kempenich; Pollert; Svedjan; Wieland

HB 1127 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1177:** A BILL for an Act to create and enact four new sections to chapter 54-17, a new subsection to section 57-35.3-05, a new section to chapter 57-38, and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to a housing tax credit program for difficult-to-develop areas in the state; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 37 YEAS, 49 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Drovdal; Ekstrom; Froelich; Glassheim; Griffin; Hatlestad; Hawken; Holman; Hunskor; Johnson, N.; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kretschmar; Meyer, S.; Mock; Onstad; Potter; Rust; Schatz; Schmidt; Schneider; Skarphol; Thorpe; Vig; Williams; Winrich; Wolf; Zaiser; Speaker Monson

**NAYS:** Bellew; Belter; Boehning; Carlson; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Frantsvog; Froseth; Grande; Gruchalla; Hanson; Headland; Heller; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kroeber; Martinson; Meier, L.; Metcalf; Mueller; Myxter; Nathe; Nelson; Nottestad; Pietsch; Pinkerton; Porter; Ruby; Sukut; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Kelsch, R.; Kempenich; Pollert; Svedjan; Wieland

HB 1177 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1226:** A BILL for an Act to amend and reenact sections 6-08-29, 7-02-15, and 47-10.2-05 of the North Dakota Century Code, relating to escrow account treatment of receipt of insurance payments for damage to residences; and to provide a contingent effective date.

**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 11 YEAS, 75 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Boe; Boucher; Ekstrom; Hanson; Kaldor; Kelsh, S.; Kerzman; Pinkerton; Schneider; Vig; Wolf

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

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Kelsch, R.; Kempenich; Pollert; Svedjan; Wieland

HB 1226 lost.

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**MOTION**

**REP. VIGESAA MOVED** that HB 1241 be moved to the bottom of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1277:** A BILL for an Act to create and enact a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to allowance of the income tax credit on the form ND-1 income tax return for installation of geothermal energy devices; and to provide an effective date.

**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 46 YEAS, 39 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Dahl; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Hawken; Holman; Hunskor; Johnson, N.; Kaldor; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Klemin; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Onstad; Pinkerton; Porter; Potter; Schmidt; Schneider; Vig; Weiler; Williams; Winrich; Wolf; Zaiser; Speaker Monson

**NAYS:** Bellew; Belter; Boehning; Carlson; Damschen; DeKrey; Delzer; Dosch; Frantsvog; Froseth; Grande; Hanson; Hatlestad; Headland; Heller; Hofstad; Johnson, D.; Karls; Kasper; Kingsbury; Klein; Koppelman; Kreidt; Nathe; Nottestad; Pietsch; Ruby; Rust; Schatz; Skarphol; Sukut; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Drovdal; Kelsch, R.; Kempenich; Pollert; Svedjan; Wieland

HB 1277 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1371:** A BILL for an Act to amend and reenact sections 14-02.1-04 and 14-02.1-07 of the North Dakota Century Code, relating to limitations on the performance of abortion and abortion reporting requirements.

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

**YEAS:** Amerman; Bellew; Belter; Boe; Boehning; Boucher; Carlson; Conklin; Conrad; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Kaldor; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; 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; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Wrangham; Zaiser; Speaker Monson

**NAYS:** Delmore; Ekstrom; Hatlestad; Hawken; Johnson, N.; Sukut; Thorpe; Winrich; Wolf

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Kelsch, R.; Kempenich; Pollert; Svedjan; Wieland

HB 1371 passed and the title was agreed to.

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**MOTION**

**REP. CARLSON MOVED** that the House stand in recess until 12:40 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Monson presiding.

**MOTION**

**REP. VIGESAA MOVED** that HB 1241, which is on the Eleventh order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1241 was rereferred.

**MOTION**

**REP. VIGESAA MOVED** that HB 1401, HB 1411, HB 1331, and HB 1246 be moved to the bottom of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1375:** A BILL for an Act to amend and reenact section 57-12-09 of the North Dakota Century Code, relating to notice of property tax assessment increases; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 77 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Dosch; Kasper; Koppelman; Meier, L.; Nathe; Thoreson; Weiler

**NAYS:** Amerman; Belter; Boe; Boehning; Boucher; Carlson; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Hanson; Kelsch, R.; Kempenich; Pollert; Svedjan; Wieland

HB 1375 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1310:** A BILL for an Act to amend and reenact sections 40-57.3-04, 57-39.2-12.1, and 57-40.2-07.1 of the North Dakota Century Code, relating to a deduction to reimburse retailers for administrative expenses of collecting city lodging, restaurant, and motor vehicle rental taxes and state sales and use taxes; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 33 YEAS, 52 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Boe; Boucher; Conklin; Dosch; Gruchalla; Hatlestad; Hawken; Heller; Holman; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kilichowski; Kingsbury; Klemmin; Kretschmar; Martinson; Meier, L.; Nathe; Onstad; Porter; Potter; Ruby; Rust; Sukut; Thoreson; Weiler; Williams; Wrangham

**NAYS:** Belter; Boehning; Carlson; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Headland; Hofstad; Hunskor; Johnson, D.; Kelsh, J.; Kelsh, S.; Kerzman; Klein; Koppelman; Kreidt; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Pietsch; Pinkerton; Schatz; Schmidt; Schneider; Skarphol; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Winrich; Wolf; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Hanson; Kelsch, R.; Kempenich; Pollert; Svedjan; Wieland

HB 1310 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1165:** A BILL for an Act to amend and reenact subsection 2 of section 54-17-07.3 of the North Dakota Century Code, relating to the mobile home and manufactured housing finance program.

**ROLL CALL**

The question being on the final adoption of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 39 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Delmore; Ekstrom; Frantsvog; Froelich; Glassheim; Griffin; Hatlestad; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Onstad; Pietsch; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Weisz; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Boehning; Carlson; Dahl; Damschen; DeKrey; Delzer; Dosch; Froseth; Grande; Gruchalla; Headland; Heller; Kasper; Keiser; Kingsbury; Klein; Klemmin; Koppelman; Kreidt; Meier, L.; Nathe; Nottestad; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Williams; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Drovdal; Hanson; Kelsch, R.; Kempenich; Pollert; Svedjan; Wieland

HB 1165 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1048:** A BILL for an Act to create and enact a new section to chapter 37-17.1 of the North Dakota Century Code, relating to intrastate mutual aid; and to repeal sections 37-17.1-24 and 37-17.1-25 of the North Dakota Century Code, relating to mutual intrastate mutual aid agreements.

**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 83 YEAS, 1 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Boe; Boehning; Boucher; Carlson; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; 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; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Keiser

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Drovdal; Hanson; Kelsch, R.; Kempenich; Pollert; Svedjan; Wieland

Engrossed HB 1048 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1053:** A BILL for an Act to amend and reenact sections 37-17.1-06 and 37-17.1-07 of the North Dakota Century Code, relating to the department of emergency services division of homeland security and local and regional emergency management organizations.

### 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 83 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Boe; Boehning; Boucher; Carlson; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; 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; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Drovdal; Grande; Hanson; Kelsch, R.; Kempenich; Pollert; Svedjan; Wieland

Engrossed HB 1053 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1074:** A BILL for an Act to adopt the Uniform Prudent Management of Institutional Funds Act; and to repeal chapter 15-67 of the North Dakota Century Code, relating to the Uniform Management of Institutional Funds Act; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 71 YEAS, 12 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Boe; Carlson; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Ekstrom; Frantsvog; Glassheim; Griffin; Gruchalla; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Pietsch; Pinkerton; Porter; Potter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Bellew; Boehning; Boucher; Conklin; Delzer; Froelich; Froseth; Kelsh, J.; Kerzman; Onstad; Ruby; Weisz

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Drovdal; Grande; Hanson; Kelsch, R.; Kempenich; Pollert; Svedjan; Wieland

Engrossed HB 1074 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1128:** A BILL for an Act to amend and reenact section 37-17.1-16 of the North Dakota Century Code, relating to immunity and exemptions for actions in response to emergency management; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 74 YEAS, 9 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

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

**NAYS:** Boe; Kaldor; Kerzman; Kilichowski; Kretschmar; Nottestad; Potter; Schmidt; Zaiser

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Drovdal; Grande; Hanson; Kelsch, R.; Kempenich; Pollert; Svedjan; Wieland

Engrossed HB 1128 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1129:** A BILL for an Act to amend and reenact sections 54-10-14 and 54-10-19 of the North Dakota Century Code, relating to audits of political subdivisions; and to repeal section 54-10-18 of the North Dakota Century Code, relating to records and fiscal affairs of counties.

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

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

**NAYS:** Delzer; Rust; Skarphol; Wald

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Drovdal; Grande; Hanson; Kelsch, R.; Kempenich; Metcalf; Pollert; Svedjan; Wieland

Engrossed HB 1129 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1181:** A BILL for an Act to create and enact chapter 37-29 of the North Dakota Century Code, relating to job protections for volunteer emergency responders of the adjutant general's office; to amend and reenact section 54-06-27 of the North Dakota Century Code, relating to public service job protections for volunteer emergency responders; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 0 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Berg; Brandenburg; Clark; Drovdal; Grande; Hanson; Kelsch, R.; Kempenich; Metcalf; Pollert; Svedjan; Wieland

Engrossed HB 1181 passed, the title was agreed to, and the emergency clause was declared carried.

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**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 1182, HB 1188.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2240.

**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 2035, SB 2182, SB 2195, SB 2219, SB 2224, SB 2234, SB 2236, SB 2282, SB 2322, SB 2328.

**MOTION**

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

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Monday, February 2, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1032: Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1032 was placed on the Sixth order on the calendar.

Page 1, after line 6, replace the remainder of the bill with:

"3. "Construction" includes any clearing of land, excavation, or other action that would affect the environment of the site after April 9, 1975, but does not include activities ~~incident~~:

a. Conducted wholly within the geographic location for which a utility has previously obtained a certificate or permit under this chapter or on which a facility was constructed before April 9, 1975, if:

(1) The activities are within the boundaries of:

(a) A previously issued certificate or permit;

- (b) For an energy conversion facility constructed before April 9, 1975, the geographic location on which the facility was built; or
  - (c) For a transmission facility constructed before April 9, 1975, a width of three hundred fifty feet [106.68 meters] on either side of the centerline;
- (2) Except as provided in subdivision b, the activities do not affect any known exclusion or avoidance area; and
  - (3) Before conducting any activities, the utility certifies in writing to the commission that the activities will not affect any known exclusion or avoidance area and the utility will comply with all applicable conditions and protections in siting laws and rules and commission orders previously issued for any part of the facility.
- b. Otherwise qualifying for exclusion under subdivision a, except that the activities are expected to affect a known avoidance area and the utility before conducting any activities:
- (1) Certifies in writing to the commission that:
    - (a) The activities will not affect any known exclusion area; and
    - (b) The utility will comply with all applicable conditions and protections in siting laws and rules and commission orders previously issued for any part of the facility;
  - (2) Notifies the commission in writing that the activities are expected to impact an avoidance area and provides information on the specific avoidance area expected to be impacted and the reasons why impact cannot be avoided; and
  - (3) Receives the commission's written approval for the impact to the avoidance area, based on a determination that there is no reasonable alternative to the expected impact. If the commission does not approve impacting the avoidance area, the utility must obtain siting authority under this chapter for the affected portion of the site or route. If the commission fails to act on the notification required by this subdivision within thirty days of the utility's filing the notification, the impact to the avoidance area is deemed approved.
- c. Incident to preliminary engineering or environmental studies.
12. "Transmission facility" means any of the following:
- a. An electric transmission line and associated facilities with a design in excess of one hundred fifteen kilovolts. "Transmission facility" does not include a:
    - (1) A temporary transmission line loop that is:
      - (+) (a) Connected and adjacent to an existing transmission facility that was sited under this chapter;
      - (-) (b) Within the corridor of the sited facility and does not cross known exclusion or avoidance areas; and
      - (-) (c) Less in place for less than one year; or
    - (2) A transmission line that is less than one mile [1.61 kilometers] long; and
    - (4) In place for less than one year.

- b. A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas, liquid hydrocarbons, liquid hydrocarbon products, or carbon dioxide. This subdivision does not apply to ~~an~~:
- (1) An oil or gas pipeline gathering system;
  - (2) A pipeline with an outside diameter of four and one-half inches [11.43 centimeters] or less that will be not trenched and will be plowed in with a power mechanism having a vertical knife or horizontally directionally drilled, and its associated facilities; or
  - (3) A pipeline that is less than one mile [1.61 kilometers] long.
- For purposes of this chapter, a gathering system includes the pipelines and associated facilities used to collect oil from the lease site to the first pipeline storage site where pressure is increased for further transport, or pipelines and associated facilities used to collect gas from the well to the gas processing facility at which end-use consumer-quality gas is produced, with or without the addition of odorant.
- c. A liquid transmission line and associated facilities designed for or capable of transporting water from or to an energy conversion facility."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1121: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1121 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "sections 39-03.1-10 and 39-03.1-11.3,"

Page 1, line 2, remove ", sections 54-52-06, 54-52-17.5, 54-52-17.11, and 54-52-17.13, and"

Page 1, line 3, remove "subsection 2 of section 54-52.6-09" and replace "employer" with "the"

Page 1, remove line 4

Page 1, line 5, remove "patrolmen's retirement system," and remove ", and the public"

Page 1, line 6, remove "employees retirement system; and to provide an appropriation"

Page 1, remove lines 8 through 24

Page 2, remove lines 1 through 27

Page 3, line 12, overstrike "dollars"

Page 3, line 13, after "seven" insert "dollars"

Page 3, remove lines 14 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 8

Renumber accordingly



**REPORT OF STANDING COMMITTEE**

**HB 1216: Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1216 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1219: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1219 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "~~and there is probable cause to believe that~~"

Page 1, line 10, remove the overstrike over "~~the driver is in violation of~~", after "39-01-04" insert "title 39", and remove the overstrike over the overstruck comma

Page 1, line 11, overstrike "saliva,"

Page 1, line 17, replace "shall" with "may"

Page 1, line 18, remove "saliva,"

Page 1, line 20, replace "3. A specimen must be collect and preserved by" with "The"

Page 1, line 21, after "laboratory" insert "must be followed in collecting and preserving a specimen or conducting a test"

Page 2, replace line 1 with:

3. The

Page 2, line 2, remove "obtains a test under subsection 1, the"

Page 2, line 12, replace "5." with "4."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1227: Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1227 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "and"

Page 1, line 3, replace the first comma with "and" and remove ", subsection 3 of section 20.1-03-12, and"

Page 1, line 4, remove "section 20.1-03-12.1"

Page 1, line 5, remove "; and to provide an appropriation"

Page 1, line 15, replace "eighteen" with "sixteen"

Page 2, line 6, replace "under this provision" with "in a youth season"

Page 2, remove lines 9 through 27

Page 2, line 30, replace "**hunters**" with "**residents**"

Page 2, line 31, replace "hunters" with "residents" and after "age" insert "who have not completed the hunter safety education program under sections 20.1-03-01.1 and 20.1-03-01.2"

Page 3, line 1, replace "two seasons" with "one season"

Page 3, line 5, after "20.1-03-01.2" insert "or has purchased a license to hunt within the previous year"

Page 3, remove lines 7 through 13

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1233: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1233 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1240: Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1240 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "that owns or leases real" with "who has been convicted of a state or federal criminal game or fish violation within the last three years or whose license to hunt or fish is under suspension or revocation"

Page 1, remove lines 10 through 12

Page 1, line 13, remove "landowner" and after "licensure" insert "and is subject to subsection 5 of section 20.1-03-37"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1244: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1244 was placed on the Sixth order on the calendar.

Page 1, line 9, after "person" insert "knowingly"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1343: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1343 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1350: Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1350 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1380: Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1380 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1407: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1407 was placed on the Sixth order on the calendar.

Page 8, line 7, remove the overstrike over "~~Sixty-three~~" and replace "Sixty-one and forty-five" with "and twenty-eight"

Page 8, line 10, replace "eighty" with "seventy-four"

Page 8, line 12, replace "fifty" with "fifty-three"

Page 8, line 14, replace "Thirty-four" with "Thirty-two" and replace "twenty-five" with "forty-five"

Page 13, line 27, after "chapter" insert "after moneys are deposited in the state aid distribution fund under section 57-39.2-26.1"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1438: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1438 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "temporary"

Page 1, line 3, replace "section" with "sections 39-06.2-02," and after "39-06.2-08" insert ", and 39-06.2-09"

Page 1, line 4, after "a" insert "nonresident"

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Section 39-06.2-02 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.2-02. Definitions.** As used in this chapter, unless the context or subject matter otherwise requires:

1. "Alcohol" means any substance containing any form of alcohol, including ethanol, methanol, propanol, and isopropanol.
2. "Alcohol concentration" means:
  - a. The number of grams of alcohol per one hundred milliliters of blood;
  - b. The number of grams of alcohol per two hundred ten liters of breath; or
  - c. The number of grams of alcohol per sixty-seven milliliters of urine.
3. "Commercial driver's instruction permit" means a permit issued under subsection 4 of section 39-06.2-07.
4. "Commercial driver's license" means a license issued under this chapter which authorizes an individual to drive a class of commercial motor vehicle.
5. "Commercial driver's license information system" means the information system established under the Commercial Motor Vehicle Safety Act to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.
6. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles designed or used to transport passengers or property:
  - a. If the gross combination weight rating is twenty-six thousand one pounds [11794 kilograms] or more provided the towed unit has a gross vehicle weight rating of more than ten thousand pounds [4536 kilograms];
  - b. If the vehicle has a gross vehicle weight rating of more than twenty-six thousand pounds [11793.40 kilograms] or such lesser rating as determined by federal regulation;
  - c. If the vehicle is designed to transport sixteen or more passengers, including the driver; or
  - d. If the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 CFR part 172, subpart F.
7. "Controlled substance" means any substance so classified under section 802(6) of the Controlled Substances Act [21 U.S.C. 802(6)], and includes all substances listed on schedules I through V, of 21 CFR part 1308, as they may be revised from time to time.
8. "Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated

forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

9. "Disqualification" means a withdrawal of the privilege to drive a commercial motor vehicle.
10. "Drive" means to drive, operate, or be in physical control of a motor vehicle.
11. "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle, or who is required to hold a commercial driver's license.
12. "Driver's license" means a license issued by a state to an individual which authorizes the individual to drive a motor vehicle.
13. "Drug" means any drug or substance or combination of drugs or substances which renders a person incapable of safely driving, and includes any controlled substance.
14. "Employer" means any person, including the United States, a state, or a political subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a person to drive a commercial motor vehicle.
15. "Fatality" means the death of a person as a result of a motor vehicle accident.
16. "Felony" means any offense under state or federal law which is punishable by death or imprisonment for a term exceeding one year.
17. "Foreign jurisdiction" means any jurisdiction other than a state of the United States.
18. "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination (articulated) vehicle. The gross vehicle weight rating of a combination (articulated) vehicle (commonly referred to as the "gross combination weight rating") is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating or actual weight of the towed unit or units.
19. "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 CFR part 172 or any quantity of a material listed as a select agent or toxin in 42 CFR part 73.
20. "Imminent hazard" means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury, or a substantial endangerment to health, property, or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of that death, illness, injury, or endangerment.
21. "Motor vehicle" means every vehicle that is self-propelled, and every vehicle that is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheelchairs.
22. "Noncommercial motor vehicle" means a motor vehicle or combination of motor vehicles not defined by the term commercial motor vehicle.
23. "Nonresident commercial driver's license" means a commercial driver's license issued by a state to an individual domiciled in a foreign country meeting the requirements of 49 CFR 383.23(b)(1).
24. "Out-of-service order" means a temporary prohibition against driving a commercial motor vehicle.
24. 25. "Serious traffic violation" means a conviction when operating a commercial motor vehicle of:

- a. Excessive speeding, involving a single charge of any speed fifteen miles [24.14 kilometers] per hour or more, above the posted speed limit;
- b. Reckless driving, as defined under section 39-08-03 or local ordinance, including charges of driving a commercial motor vehicle in willful or wanton disregard for the safety of persons or property, improper or erratic traffic lane changes, or following the vehicle ahead too closely;
- c. A violation of any state or local law related to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal accident;
- d. Driving a commercial motor vehicle without obtaining a commercial driver's license;
- e. Driving a commercial motor vehicle without a commercial driver's license in the driver's possession. An individual who provides proof to the enforcement authority that issued the citation, by the date the individual must appear in court or pay a fine for such violation, that the individual held a valid commercial driver's license on the date the citation was issued, is not guilty of this offense; or
- f. Driving a commercial motor vehicle without the proper class of commercial driver's license or endorsement, or both, for the specific vehicle group being operated or for the passengers or type of cargo being transported.

~~25.~~ 26. "State" means a state of the United States or the District of Columbia.

~~26.~~ 27. "United States" means the fifty states and the District of Columbia."

Page 1, line 16, remove "temporary"

Page 2, after line 10, insert:

**"SECTION 3. AMENDMENT.** Section 39-06.2-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.2-09. Commercial driver's license.**

1. ~~Content of license.~~ The commercial driver's license must be marked "commercial driver's license", and must be, to the maximum extent practicable, tamper proof. It must include the following information:
  - a. The name and residential address of the person;
  - b. The person's color photograph;
  - c. A physical description of the person, including sex, height, weight, and eye and hair color;
  - d. Date of birth;
  - e. A distinguishing number assigned to the person which upon request may be a number different from the person's social security number;
  - f. The person's signature;
  - g. The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
  - h. The name of this state; and
  - i. The dates between which the license is valid.

2. The director may issue a nonresident commercial driver's license pursuant to the limitations of 49 CFR 383 including waiving the social security number requirement. The face of the license must be marked "nonresident" in accordance with 49 CFR 383.153(b).

3. ~~Classifications, endorsements, and restrictions.~~ Commercial driver's licenses may be issued with the following classifications, endorsements, and restrictions; the holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued and all lesser classes of vehicles except motorcycles. Vehicles for which an endorsement is required may not be driven unless the proper endorsement appears on the license. The requirements of placarding vehicles transporting hazardous materials under subparagraph b of paragraph 3 of subdivision a and the endorsement required under paragraph 1 of subdivision b do not apply to a person who is the operator of a farm vehicle, provided such vehicle is controlled and operated by a farmer and used to transport hazardous materials in the form of farm supplies within one hundred fifty miles [241.40 kilometers] of the farm, and not used in the operations of a common or contract carrier.

a. Classifications:

- (1) Class A. Any combination of vehicles with a gross vehicle weight rating of more than twenty-six thousand pounds [11793.40 kilograms], provided the gross vehicle weight rating of the vehicles being towed is in excess of ten thousand pounds [4535.92 kilograms].
- (2) Class B. Any single vehicle with a gross vehicle weight rating of more than twenty-six thousand pounds [11793.40 kilograms], and any such vehicle towing a vehicle not in excess of ten thousand pounds [4535.92 kilograms].
- (3) Class C. Any single vehicle with a gross vehicle weight rating of twenty-six thousand pounds [11793.40 kilograms] or less or any such vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand pounds [4535.92 kilograms] comprising:
  - (a) Vehicles designed to transport sixteen or more passengers, including the driver; and
  - (b) Vehicles used in the transportation of hazardous materials which requires the vehicle to be placarded under 49 CFR part 172, subpart F.

b. Endorsements and restrictions:

- (1) "H" - authorizes the driver to drive a vehicle transporting hazardous materials.
- (2) "T" - authorizes driving double and triple trailers.
- (3) "P" - authorizes driving vehicles carrying passengers.
- (4) "N" - authorizes driving tank vehicles.
- (5) "X" - combinations of tank vehicles and hazardous material vehicles.
- (6) "S" - authorizes driving a schoolbus.

Other restrictions may be placed upon a commercial driver's license, as provided in section 39-06-17. The applicant shall pay a fee of three dollars for each endorsement.

3. ~~4. Applicant record check.~~ Before issuing a commercial driver's license, the director shall obtain driving record information through the commercial driver's license information system, the national driver's register, and from each state in which the person has been licensed.

4. ~~5.~~ ~~Notification of license issuance.~~ Within ten days after issuing a commercial driver's license, the director shall notify the commercial driver's license information system of that fact, providing all information required to ensure identification of the person.
5. ~~6.~~ ~~Expiration of license.~~ A commercial driver's license issued under this chapter expires in the manner provided for operator's licenses under section 39-06-19.
6. ~~7.~~ ~~License renewal procedures.~~ Every person applying for renewal of a commercial driver's license must complete the application form required by subsection 1 of section 39-06.2-08, providing updated information and required certifications. If the applicant wishes to retain a hazardous materials endorsement, the written test for a hazardous materials endorsement must be taken and passed."

Page 2, line 13, replace "**Temporary nonresident**" with "**Nonresident**"

Page 2, line 14, remove "temporary"

Page 2, line 17, replace "may not be" with "is valid only during the period of time of the applicant's authorized stay in the United States. The license may be renewed only upon presentation of valid documentary evidence that the status has been extended"

Page 2, remove lines 18 through 22

Page 2, line 23, remove "department, the department shall issue a nonresident commercial license"

Page 2, line 26, remove "The department may not issue more than one temporary nonresident commercial"

Page 2, remove line 27

Page 2, line 28, remove "3." and remove "temporary"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1449: Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1449 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new subdivision to subsection 1 of section 49-22-08 of"

Page 1, remove line 2

Page 1, line 3, remove "facility; and"

Page 2, remove lines 1 through 4

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1539: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1539 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1548: Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1548 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1555: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1555 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE BILL**

**SB 2092:** A BILL for an Act to repeal section 39-21-55 of the North Dakota Century Code, relating to an exemption from rear-end protection requirements for certain vehicles; and to declare an emergency.

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

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

**Buell J. Reich, Chief Clerk**