

## JOURNAL OF THE HOUSE

## Sixty-first Legislative Assembly

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Bismarck, April 17, 2009

The House convened at 8:00 a.m., with Speaker Monson presiding.

The prayer was offered by Pastor Candyce Wick, Evangelical Lutheran Church of America, Pingree and Woodworth.

The roll was called and all members were present except Representatives Berg, Vigesaa, Wald, and Wieland.

A quorum was declared by the Speaker.

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1110:** Sens. Wanzek; Flakoll; Heckaman

**HB 1253:** Sens. Lyson; Erbele; Pomeroy

**HB 1478:** Sens. J. Lee; Fischer; Heckaman

**HB 1551:** Sens. Nething; Lyson; Nelson

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

**MR. SPEAKER:** The President has appointed Sen. Hogue to replace Sen. Cook on the Conference Committee on SB 2373.

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

**MR. SPEAKER:** The President has appointed Sen. Warner to replace Sen. Heckaman on the Conference Committee on SB 2266.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and passed: SB 2176, SB 2336, and SB 2419.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Delzer, Chairman)** has carefully re-examined the Journal of the 63rd, 64th, 65th and 66th Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1377, line 20, delete "not"

Page 1452, line 9, after "956-957" insert ", adopt further amendments as follows,"

Page 1478, line 5, replace "913-913" with "1086"

Page 1487, line 46, replace "passed" with "failed"

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

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1090 as printed on HJ page 1382 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1090: Reps. Nathe, Damschen, Kilichowski.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1540 as printed on HJ pages 1309-1310 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1540: Reps. Hofstad, Damschen, Conklin.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. WEISZ MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2198, which motion prevailed.

**THE SPEAKER APPOINTED** as a Conference Committee on:

**Engrossed SB 2198:** Reps. Pietsch, Nathe, Conklin

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. WRANGHAM MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2401, which motion prevailed.

**THE SPEAKER APPOINTED** as a Conference Committee on:

**Engrossed SB 2401:** Reps. Headland, N. Johnson, Mock

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WRANGHAM MOVED** that the conference committee report on Engrossed HB 1129 as printed on HJ pages 888-889 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1129, as amended, was placed on the Eleventh order.

**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; to repeal section 54-10-18 of the North Dakota Century Code, relating to records and fiscal affairs of counties; to provide for a legislative council study; 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 89 YEAS, 1 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Delzer

**ABSENT AND NOT VOTING:** Berg; Vigesaa; Wald; Wieland

Reengrossed HB 1129 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WEISZ MOVED** that the conference committee report on Engrossed HB 1145 as printed on HJ page 889 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1145, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1145:** A BILL for an Act to create and enact a new section to chapter 43-32 of the North Dakota Century Code, relating to licensing of psychologists; to amend and reenact sections 43-32-01, 43-32-8.1, 43-32-13, 43-32-17, 43-32-20, 43-32-20.1, and 43-32-27, subsection 1 of section 43-32-27.1, and section 43-32-30 of the North Dakota Century

Code, relating to licensing of psychologists and the practice of psychology; and to repeal section 43-32-19 of the North Dakota Century Code, relating to licensing of psychologists.

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

**ABSENT AND NOT VOTING:** Berg; Vigesaa; Wald; Wieland

Reengrossed HB 1145 passed and the title was agreed to.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. DEKREY MOVED** that the conference committee report on Engrossed HB 1158 as printed on HJ page 805 be adopted, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1158:** A BILL for an Act to amend and reenact of section 26.1-40-18 of the North Dakota Century Code, relating to automobile warranty contracts, automobile mechanical breakdown contracts, and automobile service contracts.

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

**ABSENT AND NOT VOTING:** Berg; Vigesaa; Wald; Wieland

Reengrossed HB 1158 passed and the title was agreed to.

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#### MOTION

**REP. CARLSON MOVED** that the House stand in recess until 12:30 p.m., which motion prevailed.

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

#### REPORT OF CONFERENCE COMMITTEE

**HB 1129, as engrossed:** Your conference committee (Sens. Andrist, Olafson, Dotzenrod and Reps. Koppelman, Pietsch, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 888-889, adopt amendments as follows, and place HB 1129 on the Seventh order:

That the Senate recede from its amendments as printed on pages 888 and 889 of the House Journal and pages 673 and 674 of the Senate Journal and that Engrossed House Bill No. 1129 be amended as follows:

Page 1, line 2, remove "and"

Page 1, line 3, after "counties" insert "; to provide for a legislative council study; and to declare an emergency"

Page 2, line 14, overstrike "three" and insert immediately thereafter "five"

Page 4, after line 2, insert:

**"SECTION 4. LEGISLATIVE COUNCIL STUDY - AUDITS OF POLITICAL SUBDIVISIONS.** During the 2009-10 interim, the legislative council shall study the structure and requirements of the state auditor's office necessary to carry out its auditing of political subdivisions, as required by law, including how such audits should be adequately self-funded. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-second legislative assembly.

**SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure."

ReNUMBER accordingly

Engrossed HB 1129 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1059, as engrossed:** Your conference committee (Sens. Andrist, J. Lee, Anderson and Reps. Grande, Froseth, Wolf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1004, adopt further amendments as follows, and place HB 1059 on the Seventh order:

That the Senate recede from its amendments as printed on page 1004 of the House Journal and page 774 of the Senate Journal and that Engrossed House Bill No. 1059 be amended as follows:

Page 1, line 3, after "commission" insert "; and to provide a continuing appropriation"

Page 1, line 19, after "**duties**" insert "**- Continuing appropriation**"

Page 1, line 23, after the period insert "The commission may accept gifts, grants, donations, and services from any source which are appropriated on a continuing basis for the purposes of the commission."

ReNUMBER accordingly

Engrossed HB 1059 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1322, as reengrossed:** Your conference committee (Sens. Lyson, Erbele, Pomeroy and Reps. Damschen, Keiser, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 0919 and place HB 1322 on the Seventh order.

Reengrossed HB 1322 was placed on the Seventh order of business on the calendar.

#### **COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 16, 2009, I have signed the following: HB 1111, HB 1114, HB 1124, HB 1125, HB 1133, HB 1134, HB 1148, HB 1152, HB 1154, HB 1155, HB 1156, HB 1157, HB 1161, HB 1165, HB 1167, HB 1173, HB 1178, HB 1214, HB 1219, HB 1233, HB 1264, HB 1298, HB 1309, HB 1311, HB 1334, HB 1336, and HB 1343.

#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. R. KELSCH MOVED** that the House do concur in the Senate amendments to Engrossed HB 1394 as printed on HJ page 1175, which motion prevailed on a voice vote.

Engrossed HB 1394, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1394:** A BILL for an Act to amend and reenact sections 15-70-01, 15-70-04, 15-70-05, and 57-51.1-07.4 of the North Dakota Century Code, relating to the provision of financial assistance to tribally controlled community colleges; to provide a statement of legislative intent; to provide an appropriation; 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 73 YEAS, 15 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; DeKrey; Delmore; Ekstrom; Frantsvog; Froelich; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; 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; Onstad; Pietsch; Pinkerton; Porter; Potter; Rust; Schatz; Schmidt; Schneider; Thoreson; Uglem; Vig; Wald; Wall; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Bellew; Damschen; Delzer; Dosch; Drovdal; Froseth; Headland; Heller; Kempenich; Pollert; Ruby; Skarphol; Svedjan; Weiler; Weisz

**ABSENT AND NOT VOTING:** Berg; Nottestad; Sukut; Thorpe; Vigesaa; Wieland

Reengrossed HB 1394 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. SVEDJAN MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1018 as printed on HJ pages 1172-1173 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1018: Reps. Wald, Hawken, Onstad.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BELTER MOVED** that the House do not concur in the Senate amendments to Reengrossed HB 1235 as printed on HJ pages 1085-1086 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Reengrossed HB 1235: Reps. Belter, Drovdal, S. Kelsh.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BELTER MOVED** that the House do not concur in the Senate amendments to Reengrossed HB 1304 as printed on HJ pages 1348-1352 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Reengrossed HB 1304: Reps. Skarphol, Drovdal, Williams.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. SVEDJAN MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2001, Engrossed SB 2002, Reengrossed SB 2003, SB 2006, SB 2008, SB 2011, Reengrossed SB 2013, Reengrossed SB 2014, Engrossed SB 2015, SB 2016, Engrossed SB 2017, Engrossed SB 2019, Engrossed SB 2020, Engrossed SB 2021, Engrossed SB 2022, and Engrossed SB 2023, which motion prevailed.

**THE SPEAKER APPOINTED** as a Conference Committee on:

**Engrossed SB 2001:** Reps. Delzer, Thoreson, S. Meyer  
**Engrossed SB 2002:** Reps. Kempenich, Berg, Kaldor  
**Reengrossed SB 2003:** Reps. Skarphol, Martinson, Williams  
**SB 2006:** Reps. Dosch, Thoreson, S. Meyer  
**SB 2008:** Reps. Dosch, Berg, Glassheim  
**SB 2011:** Reps. Thoreson, Dosch, Glassheim  
**Reengrossed SB 2013:** Reps. Kempenich, Dosch, S. Meyer  
**Reengrossed SB 2014:** Reps. Thoreson, Berg, Kaldor  
**Engrossed SB 2015:** Reps. Wieland, Pollert, Metcalf  
**SB 2016:** Reps. Klein, Wald, Kroeber  
**Engrossed SB 2017:** Reps. Nelson, Kreidt, Kerzman  
**Engrossed SB 2019:** Reps. Hawken, Klein, Kroeber  
**Engrossed SB 2020:** Reps. Skarphol, Hawken, Onstad  
**Engrossed SB 2021:** Reps. Thoreson, Dosch, Glassheim  
**Engrossed SB 2022:** Reps. Klein, Hawken, Williams  
**Engrossed SB 2023:** Reps. Berg, Thoreson, S. Meyer

#### APPOINTMENT OF CONFERENCE COMMITTEE

**REP. SVEDJAN MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2024, Engrossed SB 2030, SB 2069, Engrossed SB 2075, Engrossed SB 2225, and Engrossed SB 2333, which motion prevailed.

**THE SPEAKER APPOINTED** as a Conference Committee on:

**SB 2024:** Reps. Berg, Kempenich, S. Meyer  
**Engrossed SB 2030:** Reps. Wieland, Pollert, Metcalf  
**SB 2069:** Reps. Thoreson, Berg, Glassheim  
**Engrossed SB 2075:** Reps. Kreidt, Nelson, Metcalf  
**Engrossed SB 2225:** Reps. Berg, Kempenich, Kaldor  
**Engrossed SB 2333:** Reps. Pollert, Weisz, Ekstrom

#### APPOINTMENT OF CONFERENCE COMMITTEE

**REP. BELTER MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2201, which motion prevailed.

**THE SPEAKER APPOINTED** as a Conference Committee on:

**SB 2201:** Reps. Belter, Skarphol, Pinkerton

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. GRANDE MOVED** that the conference committee report on Engrossed HB 1059 as printed on HJ page 1004 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1059, as amended, was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

**HB 1059:** A BILL for an Act to amend and reenact sections 54-36-01 and 54-36-03 of the North Dakota Century Code, relating to the members and the powers and duties of the Indian affairs commission; 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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Berg; Nottestad; Sukut; Thorpe; Vigesaa; Wieland

Reengrossed HB 1059 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PORTER MOVED** that the conference committee report on Reengrossed HB 1322 as printed on HJ page 919 be adopted, which motion prevailed on a voice vote.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1090 and HB 1540 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1090:** Reps. Nathe; Damschen; Kilichowski

**HB 1540:** Reps. Hofstad; Damschen; Conklin

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

**MR. PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2198:** Reps. Pietsch; Nathe; Conklin

**SB 2401:** Reps. Headland; N. Johnson; Mock

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1145, HB 1158.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1129.

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

**MR. PRESIDENT:** The Speaker has signed: SCR 4034.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1418, HB 1487, HB 1549, HCR 3014.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2035, SB 2040, SB 2041, SB 2042, SB 2089, SB 2090, SB 2099, SB 2112, SB 2121, SB 2216, SB 2222, SB 2224, SB 2239, SB 2247, SB 2305, SB 2317, SB 2342, SB 2350, SB 2352, SB 2394, SB 2404, SB 2413, SB 2417, SB 2431, SB 2432, SB 2433, SCR 4008, SCR 4016, SCR 4020, SCR 4021.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1018, HB 1235, and HB 1304 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1018:** Reps. Wald; Hawken; Onstad

**HB 1235:** Reps. Belter; Drovdal; S. Kelsh

**HB 1304:** Reps. Skarphol; Drovdal; Williams

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

**MR. PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2201:** Reps. Belter; Skarphol; Pinkerton

**SB 2225:** Reps. Berg; Kempenich; Kaldor

**SB 2333:** Reps. Pollert; Weisz; Ekstrom

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

**MR. PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2001:** Reps. DeKrey; Thoreson; S. Meyer

**SB 2002:** Reps. Kempenich; Berg; Kaldor

**SB 2003:** Reps. Skarphol; Martinson; Williams

**SB 2006:** Reps. Dosch; Thoreson; S. Meyer

**SB 2008:** Reps. Dosch; Berg; Glassheim

**SB 2011:** Reps. Thoreson; Dosch; Glassheim

**SB 2013:** Reps. Kempenich; Dosch; S. Meyer  
**SB 2014:** Reps. Thoreson; Berg; Kaldor  
**SB 2015:** Reps. Wieland; Pollert; Metcalf  
**SB 2016:** Reps. Klein; Wald; Kroeber  
**SB 2017:** Reps. Nelson; Kreidt; Kerzman  
**SB 2019:** Reps. Hawken; Klein; Kroeber  
**SB 2020:** Reps. Skarphol; Hawken; Onstad  
**SB 2021:** Reps. Thoreson; Dosch; Glassheim  
**SB 2022:** Reps. Klein; Hawken; Williams  
**SB 2023:** Reps. Berg; Thoreson; S. Meyer  
**SB 2024:** Reps. Berg; Kempenich; S. Meyer  
**SB 2030:** Reps. Wieland; Pollert; Metcalf  
**SB 2069:** Reps. Thoreson; Berg; Glassheim  
**SB 2075:** Reps. Kreidt; Nelson; Metcalf

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1394.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: HB 1322.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1059.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SCR 4035.

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

**MR. SPEAKER:** The President has appointed Sen. Holmberg to replace Sen. Bowman on the Conference Committee on HB 1009.

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

**MR. SPEAKER:** The President has appointed Sen. Grindberg to replace Sen. Bowman on the Conference Committee on HB 1019.

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

**MR. SPEAKER:** The President has signed: SCR 4034.

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

**MR. SPEAKER:** The President has appointed Sen. Krebsbach to replace Sen. Bowman on the Conference Committee on HB 1006.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SCR 4034.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and passed: SB 2237, SB 2324, and SB 2402.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: SB 2098.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2114, SB 2116.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1308.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2004, SB 2009, SB 2018, SB 2064, SB 2277, SB 2311, and SCR 4035 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2004:** Sens. Fischer; Kilzer; Mathern  
**SB 2009:** Sens. Krebsbach; Bowman; Lindaas  
**SB 2018:** Sens. Grindberg; Holmberg; Robinson



**SB 2064:** Sens. Dever; Oehlke; Nelson  
**SB 2277:** Sens. Dever; Krebsbach; Nelson  
**SB 2311:** Sens. Dever; Cook; Horne  
**SCR4035:** Sens. Erbele; Freborg; Triplett

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1012:** Sens. Kilzer; Fischer; Warner  
**HB 1090:** Sens. Dever; Erbele; Pomeroy  
**HB 1540:** Sens. J. Lee; Dever; Marcellais

**MOTION**

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

**MOTION**

**REP. CARLSON MOVED** that the House be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Monday, April 20, 2009, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1239, as engrossed:** Your conference committee (Sens. Hogue, Freborg, Schneider and Reps. Hofstad, DeKrey, Myxter) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1176, adopt amendments as follows, and place HB 1239 on the Seventh order:

That the Senate recede from its amendments as printed on page 1176 of the House Journal and page 1009 of the Senate Journal and that Engrossed House Bill No. 1239 be amended as follows:

Page 1, line 7, after the boldfaced period insert:

"1."

Page 1, line 13, remove "If the"

Page 1, remove lines 14 through 16

Page 1, line 17, remove "clear from the circumstances." and after "~~No~~" insert:

"2."

Page 1, after line 19, insert:

"3. Even if the conduct of the owner, tenant, or individual authorized by the owner varies from the provisions of subsection 1, an individual may be found guilty of violating section 20.1-01-18 if the owner, tenant, or individual authorized by the owner substantially complied with subsection 1 and notice against hunting or trespassing is clear from the circumstances."

Renumber accordingly

Engrossed HB 1239 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1330:** Your conference committee (Sens. Klein, Wanzek, Horne and Reps. Kasper, Clark, Thorpe) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1119, adopt further amendments as follows, and place HB 1330 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1119 of the House Journal and page 939 of the Senate Journal and that House Bill No. 1330 be further amended as follows:

Page 3, line 20, overstrike the second "or"

Page 3, line 22, after "property" insert "; or"

- d. An irrigation designer, contractor, or service provider in the course of preparing irrigation plans or installing, repairing, or maintaining irrigation systems"

Renumber accordingly

HB 1330 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1338, as engrossed:** Your conference committee (Sens. J. Lee, Andrist, Anderson and Reps. Hatlestad, Koppelman, Kilichowski) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 957, adopt amendments as follows, and place HB 1338 on the Seventh order:

That the Senate recede from its amendments as printed on page 957 of the House Journal and page 739 of the Senate Journal and that Engrossed House Bill No. 1338 be amended as follows:

Page 1, line 6, replace "consider studying" with "study"

Page 1, line 9, after the period insert "The study also may include the incorporation of information dealing with new solid waste sciences that affect the overall issue of siting, the reduction of landfill waste in North Dakota through the encouragement and coordination of public and private recycling programs, and the potential for development of methane processing from landfills for power generation."

Renumber accordingly

Engrossed HB 1338 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2098, as engrossed:** Your conference committee (Sens. Dever, Erbele, Heckaman and Reps. Hofstad, Frantsovog, Holman) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 932 and place SB 2098 on the Seventh order.

Engrossed SB 2098 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2114:** Your conference committee (Sens. Lyson, Olafson, Schneider and Reps. Klemin, Hatlestad, Zaiser) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 893, adopt amendments as follows, and place SB 2114 on the Seventh order:

That the House recede from its amendments as printed on page 893 of the Senate Journal and page 958 of the House Journal and that Senate Bill No. 2114 be amended as follows:

Page 1, line 1, remove "a new" and after "subsection" insert "8"

Page 2, line 12, replace "A new subsection" with "Subsection 8"

Page 2, line 13, after the colon insert:

"8."

Page 2, line 16, after "facility" insert "except for law enforcement purposes"

Page 2, line 21, after "facility" insert "except for law enforcement purposes"

Page 3, line 5, remove "battery or"

Page 3, line 8, after the underscored period insert "A wireless electronic communications device does not include a medically prescribed device or any other device approved by the department."

Renumber accordingly

SB 2114 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2116:** Your conference committee (Sens. Lyson, Olafson, Fiebiger and Reps. Klemin, Hatlestad, Delmore) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 893 and place SB 2116 on the Seventh order.

SB 2116 was placed on the Seventh order of business on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2443, as engrossed: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2443 was placed on the Sixth order on the calendar.

Page 1, line 8, after "of" insert "state"

Page 1, line 12, remove ", to the extent possible" and after the second underscored comma insert "if allowed by federal law,"

Page 1, line 13, replace ", and the" with ". The"

Renumber accordingly

**FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Reps. Mueller, Holman, D. Johnson and Sens. Klein, Miller, Wanzek introduced:  
(Approved by the Delayed Bills Committee)

**HCR 3067:** A concurrent resolution urging the restoration, through legal or political means, of the Environmental Protection Agency's final rule exempting pesticides from the Clean Water Act's permitting requirements.

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

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

**Buell J. Reich, Chief Clerk**

