

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, April 29, 2009

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

The prayer was offered by Pastor Craig Schweitzer, Good Shepherd Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Bellew, Thorpe, Wieland, and Zaiser.

A quorum was declared by the Speaker.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KEISER MOVED that the conference committee report on Engrossed HB 1449 as printed on HJ page 1177 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1449, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1449: A BILL for an Act to amend and reenact section 49-02-27 and subdivision a of subsection 5 of section 49-22-03 of the North Dakota Century Code, relating to the decommissioning of wind energy conversion facilities and to the definition of energy conversion facility; and to provide for a legislative council study of the development of wind and other natural resources.

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; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; 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; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Thorpe; Wieland; Zaiser

Reengrossed HB 1449 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. NELSON MOVED that the conference committee report on SB 2005 as printed on HJ page 1671 be adopted, which motion prevailed on a voice vote.

SB 2005, as amended, was placed on the Fourteenth order.

MOTION

REP. VIGESAA MOVED that SB 2005 be moved to the bottom of the Fourteenth order, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DOSCH MOVED that the conference committee report on SB 2006 as printed on HJ pages 1178-1179 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KLEIN MOVED that the conference committee report on SB 2016 as printed on HJ pages 1123-1124 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. NELSON MOVED that the conference committee report on Engrossed SB 2017 as printed on HJ page 1147 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. UGLEM MOVED that the conference committee report on Engrossed SB 2097 as printed on HJ pages 752-753 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2097, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2097: A BILL for an Act to amend and reenact subsection 3 of section 50-25.1-02 and section 50-25.1-11 of the North Dakota Century Code, relating to the definition of a sexually abused child and to who may receive confidential reports of child abuse and neglect.

ROLL CALL

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

YEAS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; 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; Uglen; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Thorpe; Zaiser

Engrossed SB 2097, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. PORTER MOVED that the conference committee report on SB 2195 as printed on HJ page 1010 be adopted, which motion prevailed on a voice vote.

SB 2195, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to amend and reenact subsection 3 of section 23-06.6-13 and section 23-06.6-20 of the North Dakota Century Code, relating to revisions and updates to the revised Uniform Anatomical Gift Act.

ROLL CALL

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

YEAS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; 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; Uglen; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Thorpe; Zaiser

SB 2195, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BELTER MOVED that the conference committee report on SB 2201 as printed on HJ page 1094 be adopted, which motion prevailed on a voice vote.

SB 2201, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2201: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code and a new section to Senate Bill No. 2184, as approved by the sixty-first legislative assembly, relating to a property tax credit for disabled veterans and to declare Senate Bill No. 2184, as approved by the sixty-first legislative assembly, to be an emergency; to amend and reenact subsection 20 of section 57-02-08 and subdivision c of subsection 1 of section 57-55-10 of the North Dakota Century Code and section 2 of Senate Bill No. 2184, as approved by the sixty-first legislative assembly, relating to the property tax and mobile home tax exemptions for disabled veterans and the effective date of Senate Bill No. 2184, as approved by the sixty-first legislative assembly; to provide an appropriation; to provide an effective date; 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 90 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Svedjan

ABSENT AND NOT VOTING: Bellew; Thorpe; Zaiser

SB 2201, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. BOUCHER MOVED that SB 2230 be moved to the bottom of the Seventh order, which motion failed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. UGLEM MOVED that the conference committee report on Engrossed SB 2230 as printed on HJ page 1099 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2230, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2230: A BILL for an Act to provide an appropriation to the state department of health for providing grants to domestic violence sexual assault 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; 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; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Porter; Thorpe; Zaiser

Engrossed SB 2230, as amended, passed and the title was agreed to.

MOTION

REP. VIGESAA MOVED that Rep. Kreidt replace Rep. Bellew on the House Conference Committee on HB 1012, which motion prevailed.

MOTION

REP. VIGESAA MOVED that Rep. Nelson replace Rep. Bellew on the House Conference Committee on HB 1014 and SB 2010, which motion prevailed.

MOTION

REP. VIGESAA MOVED that Rep. Pollert replace Rep. Bellew on the House Conference Committee on SB 2004, which motion prevailed.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2006, SB 2016, SB 2017.

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: SB 2201.

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: SB 2097, SB 2195, SB 2230.

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 1449.

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

MR. PRESIDENT: The Speaker has appointed Rep. Kreidt to replace Rep. Bellew on the Conference Committee on HB 1012.

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

MR. PRESIDENT: The Speaker has appointed Rep. Nelson to replace Rep. Bellew on the Conference Committee on HB 1014.

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

MR. PRESIDENT: The Speaker has appointed Rep. Nelson to replace Rep. Bellew on the Conference Committee on SB 2010.

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

MR. PRESIDENT: The Speaker has appointed Rep. Pollert to replace Rep. Bellew on the Conference Committee on SB 2004.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2199, SB 2391.

REPORT OF CONFERENCE COMMITTEE

HB 1002, as engrossed: Your conference committee (Sens. Krebsbach, Kilzer, Warner and Reps. Thoreson, Dosch, S. Meyer) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1002-1003, adopt amendments as follows, and place HB 1002 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1002 and 1003 of the House Journal and pages 772 and 773 of the Senate Journal and that Engrossed House Bill No. 1002 be amended as follows:

Page 1, line 2, after the third semicolon insert "to provide a contingent appropriation; to provide an exemption;"

Page 1, line 16, replace "307,132" with "495,016" and replace "2,941,625" with "3,129,509"

Page 1, line 17, replace "1,096,769" with "1,123,769" and replace "3,155,950" with "3,182,950"

Page 1, line 19, replace "2,824,877" with "2,854,877" and replace "8,314,107" with "8,344,107"

Page 1, line 21, replace "1,308,778" with "1,553,662" and replace "14,419,682" with "14,664,566"

Page 1, line 22, replace "38,660" with "41,113" and replace "8,912,525" with "8,914,978"

Page 1, line 23, replace "1,270,118" with "1,512,549" and replace "5,507,157" with "5,749,588"

Page 1, line 24, replace "0.00" with "1.00" and replace the second "27.00" with "28.00"

Page 2, line 11, replace "1,328,618" with "1,571,049" and replace "5,869,157" with "6,111,588"

Page 2, line 12, replace "38,660" with "3,441,811" and replace "8,912,525" with "12,315,676"

Page 2, line 13, replace "1,367,278" with "5,012,860" and replace "14,781,682" with "18,427,264"

Page 2, after line 19, insert:

"SECTION 3. LOAN AUTHORIZATION - CONTINGENT APPROPRIATION - BUDGET SECTION APPROVAL. Subject to budget section approval, the secretary of state may borrow up to \$3,400,698 from the Bank of North Dakota, which is appropriated to the secretary of state for the purpose of implementing the North Dakota business development engine computer project, during the biennium beginning July 1, 2009, and ending June 30, 2011. The secretary of state may request budget section approval only if the revenues projected by the secretary of state and the office of management and budget to be generated as a result of provisions of chapter 102 of the 2007 Session Laws over the term of the proposed loan based on the trend of actual corporate charters granted are anticipated to be sufficient to repay the proposed loan, including interest over the term of the loan."

Page 2, after line 31, insert:

"SECTION 5. EXEMPTION - GENERAL SERVICES OPERATING FUND. Any unexpended and unobligated balance remaining in the secretary of state's general services operating fund on June 30, 2009, is not subject to the provisions of section 54-09-08, and any unexpended funds are available and may be expended by the secretary of state, during the biennium beginning July 1, 2009, and ending June 30, 2011, for the database and processing platform migration project."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98003.0304 FN 1

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

Engrossed HB 1002 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1005, as engrossed: Your conference committee (Sens. Fischer, Grindberg, Robinson and Reps. Dosch, Kempenich, S. Meyer) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1115, adopt amendments as follows, and place HB 1005 on the Seventh order:

That the Senate recede from its amendments as printed on page 1115 of the House Journal and page 954 of the Senate Journal and that Engrossed House Bill No. 1005 be amended as follows:

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

Page 1, line 3, after "treasurer" insert "; and to provide for a legislative council study"

Page 2, after line 4, insert:

"SECTION 4. LEGISLATIVE COUNCIL STUDY - ELECTED OFFICIALS' SALARIES. During the 2009-10 interim, the legislative council shall consider studying the salaries of state elected officials. The study must include a comparison of salaries, the number of full-time equivalent and temporary employees supervised by the elected official, and the complexity of each elected official's responsibilities. The study must also include a comparison to similar positions in other states. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98006.0305 FN 1

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

Engrossed HB 1005 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1018, as engrossed: Your conference committee (Sens. Holmberg, Christmann, Robinson and Reps. Wald, Hawken, Onstad) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1172-1173, adopt amendments as follows, and place HB 1018 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1172 and 1173 of the House Journal and page 1005 of the Senate Journal and that Engrossed House Bill No. 1018 be amended as follows:

Page 1, line 2, after "society" insert "; and to declare an emergency"

Page 1, line 11, replace "924,572" with "1,202,290" and replace "8,090,957" with "8,368,675"

Page 1, line 13, replace "622,631" with "472,631" and replace "4,046,212" with "3,896,212"

Page 1, line 19, replace "2,112,002" with "2,239,720" and replace "16,005,371" with "16,133,089"

Page 1, line 20, replace "(1,534,979)" with "(1,659,929)" and replace "3,783,787" with "3,658,837"

Page 1, line 21, replace "3,646,981" with "3,899,649" and replace "12,221,584" with "12,474,252"

Page 1, line 22, replace "1.00" with "2.00" and replace "61.00" with "62.00"

Page 2, after line 27, insert:

"SECTION 5. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the state historical society, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Protective structure for locomotive at Camp Hancock	\$150,000
Fort Totten commissary storehouse exhibit and signage	385,000
Geographic information system scanning and integration	<u>150,000</u>
Total federal funds (from department of transportation transportation enhancement funds)	\$685,000

The state historical society may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 6. EMERGENCY. Section 5 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98018.0203 FN 1

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

Engrossed HB 1018 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1019, as engrossed: Your conference committee (Sens. Krebsbach, Bowman, Seymour and Reps. Martinson, Klein, Williams) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1382-1384, adopt amendments as follows, and place HB 1019 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1382-1384 of the House Journal and pages 1264 and 1265 of the Senate Journal and that Engrossed House Bill No. 1019 be amended as follows:

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

Page 1, line 3, after "reenact" insert "subsection 5 of section 55-08-05 and"

Page 1, line 4, after "grants" insert "and concession agreements; to provide legislative intent; and to declare an emergency"

Page 1, line 17, replace "2,013,331" with "2,775,814" and replace "12,912,192" with "13,674,675"

Page 1, line 18, replace "(855,725)" with "(575,725)" and replace "7,780,799" with "8,060,799"

Page 1, line 20, replace "2,226,522" with "3,269,005" and replace "23,711,076" with "24,753,559"

Page 1, line 21, replace "(1,504,114)" with "(1,200,063)" and replace "11,844,003" with "12,148,054"

Page 1, line 22, replace "3,730,636" with "4,469,068" and replace "11,867,073" with "12,605,505"

Page 1, line 23, replace "0" with "2.50" and replace "50.50" with "53.00"

Page 2, line 4, replace "404,254" with "1,991,600" and replace "1,141,108" with "2,728,454"

Page 2, line 7, replace "4,254" with "1,591,600" and replace "1,141,108" with "2,728,454"

Page 2, line 9, replace "204,254" with "1,791,600" and replace "1,141,108" with "2,728,454"

Page 2, line 14, replace "3,934,890" with "6,260,668" and replace "13,008,181" with "15,333,959"

Page 2, line 15, replace "(1,704,114)" with "(600,063)" and replace "11,844,003" with "12,948,054"

Page 2, line 16, replace "2,230,776" with "5,660,605" and replace "24,852,184" with "28,282,013"

Page 2, line 22, replace "2,010,514" with "2,359,768"

Page 2, line 25, replace "0" with "86,600"

Page 2, after line 26, insert:

"International Peace Garden loan repayment

0 1,850,000"

Page 2, line 29, replace "2,485,514" with "4,771,368"

Page 3, after line 18, insert:

"SECTION 6. AMENDMENT. Subsection 5 of section 55-08-05 of the North Dakota Century Code is amended and reenacted as follows:

5. Provide facilities for the sale to the public of food, nonintoxicating beverages, except beer and wine sales as provided in subsections 6 and 7, and other merchandise and personal services of a suitable nature, and make buildings, structures, and other recreational facilities available for use and occupancy by the public, or contract for the lease of the buildings, structures, and facilities to a concessionaire to be operated on the terms and compensation basis as the director determines to be in the best interest of the state. The duration of a concession agreement may not exceed twenty years. A bond must be required of each concessionaire in the amount the director determines, conditioned upon the faithful performance of all duties under the lease and proper accounting for all funds."

Page 4, after line 11, insert:

"SECTION 8. LEGISLATIVE INTENT - FEDERAL FISCAL STIMULUS FUNDS. It is the intent of the sixty-first legislative assembly that the Fort Abraham Lincoln foundation be encouraged to seek federal fiscal stimulus funds for architectural and archeological services at Fort Abraham Lincoln.

SECTION 9. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the parks and recreation department, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Turtle River state park pedestrian bridge	\$300,000
Turtle Mountain scenic byway acquisition/trails	200,000
Fort Abraham Lincoln CCC building rehabilitation	<u>300,000</u>
Total federal funds	\$800,000

The parks and recreation department may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

SECTION 10. EMERGENCY. Section 9 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98019.0215 FN 1

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

Engrossed HB 1019 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1509, as engrossed: Your conference committee (Sens. Hogue, Erbele, Schneider and Reps. DeKrey, Damschen, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1219-1220, adopt amendments as follows, and place HB 1509 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1219 and 1220 of the House Journal and pages 1014 and 1015 of the Senate Journal and that Engrossed House Bill No. 1509 be amended as follows:

Page 1, line 2, after "leases" insert "; and to provide for a legislative council study of wind easement and wind energy leases"

Page 1, line 8, remove "Must be written in a clear and coherent manner using words with common"

Page 1, remove lines 9 and 10

Page 1, line 11, remove "b."

Page 1, line 23, replace "c. Must" with "b. May not", after "executed" insert "by the parties until", replace "five" with "ten", and after "the" insert "first proposed"

Page 2, line 1, replace "d." with "c.", replace "contain a" with "require either party to maintain the", replace "clause keeping" with "of any negotiations or", and replace "agreement or" with "any proposed lease or easement except that the parties may agree to a mutual confidentiality agreement in the final executed lease or easement"

Page 2, line 2, remove "related negotiations confidential"

Page 2, line 3, replace "e." with "d."

Page 2, line 4, after the underscored period insert "When a wind energy facility is being constructed and when it is completed, the property owner must make accommodations to the developer, owner, or operator of the facility for the facility's business operations to allow the construction and operation of the wind energy facility."

Page 2, line 5, replace "f." with "e."

Page 2, line 6, after the second "wind" insert "energy"

Page 2, line 7, replace "g." with "f." and after "wind" insert "energy"

Page 2, line 11, replace "h." with "g."

Page 2, remove lines 14 through 16

Page 2, line 17, replace "j." with "h."

Page 2, line 18, replace "generating" with "energy" and after "years" insert "unless the property owner receives the normal minimum lease payments that would have occurred if the wind energy facility had been operating during that time. For the purposes of this subdivision, the term 'normal minimum lease payments' means a payment in the lease or easement called a 'base amount' or 'minimum payment', or similar language, or if the periodic payments received by the property owner in the last calendar year that the wind energy facility was in full operation"

Page 2, line 19, replace "k." with "i."

Page 2, remove lines 22 through 24

Page 2, line 25, replace "generating" with "energy", replace "property" with "general liability", and replace "on the" with "relating to claims for property damage or bodily injury arising out of the construction or operation of the wind energy facility project site and may"

Page 2, line 26, remove "facility and" and replace the second "and" with an underscored period

Page 2, remove line 27

Page 2, line 29, remove "or the owner of the facility does not carry property insurance as"

Page 2, line 30, remove "required under subsection 2 as determined by a court as a matter of law"

Page 3, line 1, replace "offer the relief as is requested by the property owner" with "order any relief allowed by law" and replace "The" with:

"SECTION 2. LEGISLATIVE COUNCIL STUDY - WIND EASEMENTS AND WIND ENERGY LEASES. During the 2009-2010 interim, the legislative council shall consider studying wind easements and wind energy leases. The study must include consideration of confidentiality clauses, the liability of each party for damages and taxes, instrument provisions relating to insurance and the need for insurance, and the concerns of property owners and wind developers. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Page 3, remove lines 2 through 7

Renumber accordingly

Engrossed HB 1509 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1540, as reengrossed: Your conference committee (Sens. J. Lee, Dever, Marcellais and Reps. Hofstad, Damschen, Conklin) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1309-1310, adopt amendments as follows, and place HB 1540 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1309 and 1310 of the House Journal and pages 859 and 860 of the Senate Journal and that Reengrossed House Bill No. 1540 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 3 of section 50-01.2-03.2 of the North Dakota Century Code, relating to the funding of economic assistance programs in counties with federally recognized Indian reservation land; to provide an appropriation; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 50-01.2-03.2 of the North Dakota Century Code is amended and reenacted as follows:

3. Notwithstanding any other provisions of law, the department shall reimburse county social service boards for expenses of locally administered economic assistance programs in counties in which ~~more than twenty percent of the caseload for these programs consists of people who reside on a~~ the percentage of that county's average total supplemental nutrition assistance program caseload for the previous fiscal year which reside on federally recognized Indian reservation or property tax exempt tribal trust lands is ten percent or more. The reimbursement must be such that:
 - a. An affected county's ~~expenses~~ actual direct costs and indirect costs allocated based on a percentage of each county's direct economic assistance and social services costs for locally administered economic assistance programs in excess of the statewide average of such costs, expressed in mills, for all other counties will be reimbursed at ~~one hundred percent~~ the percentage of that county's average total supplemental nutrition assistance program caseload for the previous state fiscal year which reside on federally recognized Indian reservation land not to exceed ninety percent;
 - b. ~~Each calendar year the~~ The affected counties will receive quarterly ~~allocations~~ payments based on the actual county ~~expenses~~ direct and indirect costs, as provided in subdivision a, for the state fiscal year ending the previous June thirtieth and the most recent taxable valuations published pursuant to section 57-13-07 available on that date state fiscal year; and
 - c. At the end of each fiscal year the actual quarterly payments paid must be reconciled to the current year of calculation of actual direct and indirect costs as provided in subdivision a and supplemental nutrition

assistance program caseload and counties must be compensated accordingly in the first quarter of the new fiscal year; and

- e- d. The reimbursement will be calculated for each county and reported to the county social service board prior to ~~August~~ September first ~~of the year preceding the allocation.~~

SECTION 2. APPROPRIATION.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$549,938, or so much of the sum as may be necessary, to the department of human services for the purpose of reimbursing the expenses of locally administered economic assistance programs in counties that contain federally recognized Indian reservation land, for the biennium beginning July 1, 2009, and ending June 30, 2011.
2. Each affected county shall reduce that county's human services budget by the amount saved by the implementation of section 1 of this Act and shall publish the property tax savings in that county's official newspaper.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on July 1, 2010."

Renumber accordingly

Reengrossed HB 1540 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2199, as reengrossed: Your conference committee (Sens. Cook, Hogue, Anderson and Reps. Belter, Drovdal, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1281-1284, adopt amendments as follows, and place SB 2199 on the Seventh order:

That the House recede from its amendments as printed on pages 1281-1284 of the Senate Journal and pages 1357-1360 of the House Journal and that Reengrossed Senate Bill No. 2199 be amended as follows:

Page 1, line 1, after "Act" insert "to create a property tax relief sustainability fund;"

Page 1, line 4, replace "and" with a comma and after "57-15-31" insert ", and 57-38-30 and subsection 1 of section 57-38-30.3"

Page 1, line 5, after "districts" insert ", corporate income tax rates, and income tax rates for individuals, estates, and trusts", after the first semicolon insert "to repeal section 15.1-27-20.1 of the North Dakota Century Code, relating to the effect of the general fund levy of school districts on state aid allocations;", and after the second semicolon insert "to provide for transfers;"

Page 2, line 22, after "4." insert "The authority for a levy of up to a specific number of mills under this section approved by electors of a school district before July 1, 2009, is terminated effective for taxable years after 2015. If the electors of a school district subject to this subsection have not approved a levy for taxable years after 2015 of up to a specific number of mills under this section by December 31, 2015, the school district levy limitation for subsequent years is subject to the limitations under section 57-15-01.1 or this section.

5."

Page 2, line 23, replace "2010" with "2015"

Page 2, line 24, after "of" insert "up to"

Page 2, line 25, replace "2010" with "2015"

Page 3, after line 29, insert:

"SECTION 4. AMENDMENT. Section 57-38-30 of the North Dakota Century Code is amended and reenacted as follows:

57-38-30. Imposition and rate of tax on corporations. A tax is hereby imposed upon the taxable income of every domestic and foreign corporation which must be levied, collected, and paid annually as in this chapter provided:

1.
 - a. For the first ~~three~~ twenty-five thousand dollars of taxable income, at the rate of two and ~~six-tenths~~ one-tenth percent.
 - b. On all taxable income ~~above three~~ exceeding twenty-five thousand dollars and not ~~in excess of eight~~ exceeding fifty thousand dollars, at the rate of ~~four and one-tenth~~ five and twenty-five hundredths percent.
 - c. On all taxable income ~~above eight~~ exceeding fifty thousand dollars and not ~~in excess of twenty thousand dollars~~, at the rate of ~~five and six-tenths~~ six and four-tenths percent.
 - d. ~~On all taxable income above twenty thousand dollars and not in excess of thirty thousand dollars, at the rate of six and four-tenths percent.~~
 - e. ~~On all taxable income above thirty thousand dollars, at the rate of six and one-half percent.~~
2. A corporation that has paid North Dakota alternative minimum tax in years beginning before January 1, 1991, may carry over any alternative minimum tax credit remaining to the extent of the regular income tax liability of the corporation for a period not to exceed four taxable years.

SECTION 5. AMENDMENT. Subsection 1 of section 57-38-30.3 of the North Dakota Century Code is amended and reenacted as follows:

1. A tax is hereby imposed for each taxable year upon income earned or received in that taxable year by every resident and nonresident individual, estate, and trust. A taxpayer computing the tax under this section is only eligible for those adjustments or credits that are specifically provided for in this section. Provided, that for purposes of this section, any person required to file a state income tax return under this chapter, but who has not computed a federal taxable income figure, shall compute a federal taxable income figure using a pro forma return in order to determine a federal taxable income figure to be used as a starting point in computing state income tax under this section. The tax for individuals is equal to North Dakota taxable income multiplied by the rates in the applicable rate schedule in subdivisions a through d corresponding to an individual's filing status used for federal income tax purposes. For an estate or trust, the schedule in subdivision e must be used for purposes of this subsection.

- a. Single, other than head of household or surviving spouse.

If North Dakota taxable income is:	The tax is equal to:
Not over \$27,050 <u>\$33,950</u>	2.40% <u>1.84%</u>
Over \$27,050 <u>\$33,950</u> but not over \$65,550 <u>\$82,250</u>	\$568.05 <u>\$624.68</u> plus 3.92% <u>3.44%</u> of amount over \$27,050 <u>\$33,950</u>
Over \$65,550 <u>\$82,250</u> but not over \$136,750 <u>\$171,550</u>	\$2,077.25 <u>\$2,286.20</u> plus 4.34% <u>3.81%</u> of amount over \$65,550 <u>\$82,250</u>
Over \$136,750 <u>\$171,550</u> but not over \$297,350 <u>\$372,950</u>	\$5,167.33 <u>\$5,688.53</u> plus 5.04% <u>4.42%</u> of amount over \$136,750 <u>\$171,550</u>
Over \$297,350 <u>\$372,950</u>	\$13,261.57 <u>\$14,590.41</u> plus 5.54% <u>4.86%</u> of amount over \$297,350 <u>\$372,950</u>

- b. Married filing jointly and surviving spouse.

If North Dakota taxable income is:	The tax is equal to:
Not over \$45,200 <u>\$56,750</u>	2.40% <u>1.84%</u>
Over \$45,200 <u>\$56,750</u> but not over \$109,250 <u>\$137,050</u>	\$949.20 <u>\$1,044.20</u> plus 3.92% <u>3.44%</u> of amount over \$45,200 <u>\$56,750</u>
Over \$109,250 <u>\$137,050</u> but not over \$166,500 <u>\$208,850</u>	\$3,459.96 <u>\$3,806.52</u> plus 4.34% <u>3.81%</u> of amount over \$109,250 <u>\$137,050</u>
Over \$166,500 <u>\$208,850</u> but not over \$297,350 <u>\$372,950</u>	\$5,944.64 <u>\$6,542.10</u> plus 5.04% <u>4.42%</u> of amount over \$166,500 <u>\$208,850</u>
Over \$297,350 <u>\$372,950</u>	\$12,539.45 <u>\$13,795.32</u> plus 5.54% <u>4.86%</u> of amount over \$297,350 <u>\$372,950</u>

- c. Married filing separately.

If North Dakota taxable income is:

Not over ~~\$22,600~~ \$28,375
 Over ~~\$22,600~~ \$28,375 but not
 over ~~\$54,625~~ \$68,525
 Over ~~\$54,625~~ \$68,525 but not
 over ~~\$83,250~~ \$104,425
 Over ~~\$83,250~~ \$104,425 but not
 over ~~\$148,675~~ \$186,475
 Over ~~\$148,675~~ \$186,475

The tax is equal to:

~~2.40%~~ 1.84%
~~\$474.60~~ \$522.10 plus ~~3.92%~~ 3.44%
 of amount over ~~\$22,600~~ \$28,375
~~\$1,729.98~~ \$1,903.26 plus ~~4.34%~~ 3.81%
 of amount over ~~\$54,625~~ \$68,525
~~\$2,972.34~~ \$3,271.05 plus ~~5.04%~~ 4.42%
 of amount over ~~\$83,250~~ \$104,425
~~\$6,269.73~~ \$6,897.66 plus ~~5.54%~~ 4.86%
 of amount over ~~\$148,675~~ \$186,475

d. Head of household.

If North Dakota taxable income is:

Not over ~~\$36,250~~ \$45,500
 Over ~~\$36,250~~ \$45,500 but not
 over ~~\$93,650~~ \$117,450
 Over ~~\$93,650~~ \$117,450 but not
 over ~~\$151,650~~ \$190,200
 Over ~~\$151,650~~ \$190,200 but not
 over ~~\$297,350~~ \$372,950
 Over ~~\$297,350~~ \$372,950

The tax is equal to:

~~2.40%~~ 1.84%
~~\$761.25~~ \$837.20 plus ~~3.92%~~ 3.44%
 of amount over ~~\$36,250~~ \$45,500
~~\$3,041.33~~ \$3,312.28 plus ~~4.34%~~ 3.81%
 of amount over ~~\$93,650~~ \$117,450
~~\$5,528.53~~ \$6,084.06 plus ~~5.04%~~ 4.42%
 of amount over ~~\$151,650~~ \$190,200
~~\$12,871.84~~ \$14,161.61 plus ~~5.54%~~ 4.86%
 of amount over ~~\$297,350~~ \$372,950

e. Estates and trusts.

If North Dakota taxable income is:

Not over ~~\$1,800~~ \$2,300
 Over ~~\$1,800~~ \$2,300 but not
 over ~~\$4,250~~ \$5,350
 Over ~~\$4,250~~ \$5,350 but not
 over ~~\$6,500~~ \$8,200
 Over ~~\$6,500~~ \$8,200 but not
 over ~~\$8,900~~ \$11,150
 Over ~~\$8,900~~ \$11,150

The tax is equal to:

~~2.40%~~ 1.84%
~~\$37.80~~ \$42.32 plus ~~3.92%~~ 3.44%
 of amount over ~~\$1,800~~ \$2,300
~~\$133.84~~ \$147.24 plus ~~4.34%~~ 3.81%
 of amount over ~~\$4,250~~ \$5,350
~~\$231.49~~ \$255.83 plus ~~5.04%~~ 4.42%
 of amount over ~~\$6,500~~ \$8,200
~~\$352.45~~ \$386.22 plus ~~5.54%~~ 4.86%
 of amount over ~~\$8,900~~ \$11,150

f. For an individual who is not a resident of this state for the entire year, or for a nonresident estate or trust, the tax is equal to the tax otherwise computed under this subsection multiplied by a fraction in which:

- (1) The numerator is the federal adjusted gross income allocable and apportionable to this state; and
- (2) The denominator is the federal adjusted gross income from all sources reduced by the net income from the amounts specified in subdivisions a and b of subsection 2.

In the case of married individuals filing a joint return, if one spouse is a resident of this state for the entire year and the other spouse is a nonresident for part or all of the tax year, the tax on the joint return must be computed under this subdivision.

g. For taxable years beginning after December 31, ~~2004~~ 2009, the tax commissioner shall prescribe new rate schedules that apply in lieu of the schedules set forth in subdivisions a through e. The new schedules must be determined by increasing the minimum and maximum dollar amounts for each income bracket for which a tax is imposed by the cost-of-living adjustment for the taxable year as determined by the secretary of the United States treasury for purposes of section 1(f) of the United States Internal Revenue Code of 1954, as amended. For this purpose, the rate applicable to each income bracket may not be changed, and the manner of applying the cost-of-living adjustment must be the same as that used for adjusting the income brackets for federal income tax purposes."

Page 5, after line 2, insert:

"7. For all purposes under law relating to allocation of funds among political subdivisions based on property tax levies, property taxes levied by a school

district are the amount that would have been levied without the mill reduction grant provided to the school district under this chapter."

Page 5, line 5, replace "combined education" with "general fund"

Page 5, line 8, replace "combined education" with "general fund"

Page 5, line 18, remove "a or"

Page 5, line 19, replace "combined education" with "general fund"

Page 5, line 26, replace "combined" with "general fund"

Page 5, line 27, remove "education"

Page 5, line 30, after "district" insert "general fund"

Page 6, after line 6, insert:

"SECTION 7. Property tax relief sustainability fund. The property tax relief sustainability fund is a special fund in the state treasury. Moneys in the fund may be spent, pursuant to legislative appropriations, for property tax relief programs.

SECTION 8. REPEAL. Section 15.1-27-20.1 of the North Dakota Century Code is repealed."

Page 6, line 8, replace "permanent oil tax trust" with "general"

Page 6, after line 11, insert:

"SECTION 10. TRANSFER - PERMANENT OIL TAX TRUST FUND - GENERAL FUND. The office of management and budget shall transfer the sum of \$295,000,000 from the permanent oil tax trust fund to the general fund on July 1, 2009.

SECTION 11. TRANSFER - PERMANENT OIL TAX TRUST FUND - PROPERTY TAX RELIEF SUSTAINABILITY FUND. The office of management and budget shall transfer the sum of \$295,000,000 from the permanent oil tax trust fund to the property tax relief sustainability fund on July 1, 2010."

Page 6, line 12, remove "and" and after "3" insert ", 4, and 5"

Renumber accordingly

Reengrossed SB 2199 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2391: Your conference committee (Sens. Erbele, Dever, Krauter and Reps. Damschen, Nathe, Kilichowski) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1210, adopt amendments as follows, and place SB 2391 on the Seventh order:

That the House recede from its amendments as printed on page 1210 of the Senate Journal and page 1101 of the House Journal and that Senate Bill No. 2391 be amended as follows:

Page 1, line 11, after "department" insert ", in consultation with a nongovernmental entity that provides alternatives-to-abortion services," and remove "with a nongovernmental"

Page 1, line 12, remove "entity that provides alternatives-to-abortion services to conduct statewide marketing"

Page 1, line 23, replace "\$500,000" with "\$100,000"

Page 2, line 2, replace "designate \$400,000 of this appropriation for alternatives-to-abortion services and" with "use this funding to inform the public about the alternatives-to-abortion program. Funding for the alternatives-to-abortion program also is appropriated to the department of human services in House Bill No. 1012."

Page 2, remove lines 3 and 4

Renumber accordingly

SB 2391 was placed on the Seventh order of business on the calendar.

MOTION

REP. VIGESAA 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.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Delzer, Chairman)** has carefully examined the Journal of the 73rd Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1646, after line 4, insert:

"Reengrossed HB 1304 was placed on the Seventh order of business on the calendar."

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BELTER MOVED that the conference committee report on Reengrossed SB 2199 as printed on HJ pages 1357-1360 be adopted.

REQUEST

REP. BOUCHER REQUESTED a verification vote on the conference committee report on SB 2199, which request was granted.

The motion to adopt SB 2199 was adopted on a verification vote.

Reengrossed SB 2199 was placed on the Fourteenth order.

MOTION

REP. GRIFFIN MOVED moved to suspend Rule 319 to allow a division of SB 2199.

REQUEST

REP. KASPER REQUESTED a recorded roll call vote on the motion to suspend Rule 319, which request was granted. The motion to suspend Rule 319 failed on a roll call vote.

SECOND READING OF SENATE BILL

SB 2199: A BILL for an Act to create a property tax relief sustainability fund; to create and enact two new subdivisions to subsection 3 of section 57-15-01.1 and chapter 57-64 of the North Dakota Century Code, relating to allocation of state funds to school districts for mill levy reduction grants; to amend and reenact sections 57-15-14, 57-15-31, and 57-38-30 and subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to property tax levies of school districts, corporate income tax rates, and income tax rates for individuals, estates, and trusts; to repeal section 15.1-27-20.1 of the North Dakota Century Code, relating to the effect of the general fund levy of school districts on state aid allocations; to provide an appropriation; to provide for transfers; 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 PASS, the roll was called and there were 86 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Froelich; Glassheim; Kerzman; Kilichowski; Metcalf; Zaiser

ABSENT AND NOT VOTING: Bellew; Thorpe

Reengrossed SB 2199 passed and the title was agreed to.

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: SB 2199.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1011, HB 1017, HB 1035, HB 1151, HB 1295, HB 1304, HB 1425, HB 1436.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed to pass: SB 2308.

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

MR. SPEAKER: The President has signed: SCR 4037.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2002, SB 2006, SB 2016, SB 2017, SB 2097, SB 2195, SB 2201, SB 2230.

MOTION

REP. VIGESAA MOVED that the House stand in recess until 6:00 p.m., which motion prevailed.

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

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 24, 2009, I have signed the following: HB 1021, HB 1039, HB 1041, HB 1059, HB 1112, HB 1129, HB 1145, HB 1158, HB 1162, HB 1186, HB 1202, HB 1239, HB 1269, HB 1286, HB 1301, HB 1308, HB 1322, HB 1329, HB 1330, HB 1333, HB 1338, HB 1370, HB 1418, HB 1437, HB 1459, HB 1496, and HB 1549.

Also, on April 28, 2009, I have signed the following: HB 1235 and HB 1487.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

ROLL CALL

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

YEAS: Amerman; Belter; Berg; 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; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Delzer

ABSENT AND NOT VOTING: Bellew; Meier, L.; Thorpe

SB 2005, as amended, passed and the title was agreed to.

MOTION

REP. VIGESAA MOVED that HB 1509 be moved to the top of the Seventh order, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DEKREY MOVED that the conference committee report on Engrossed HB 1509 as printed on HJ pages 1219-1220 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1509, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1509: A BILL for an Act to create and enact a new section to chapter 17-04 of the North Dakota Century Code, relating to requirements for wind easement and wind energy leases; and to provide for a legislative council study of wind easement and wind energy leases.

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

YEAS: Amerman; Berg; Boe; Boehning; Boucher; 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; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Belter; Brandenburg; Delzer; Kretschmar; Ruby

ABSENT AND NOT VOTING: Bellew; Meier, L.; Thorpe

Reengrossed HB 1509 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. THORESON MOVED that the conference committee report on Engrossed HB 1002 as printed on HJ pages 1002-1003 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1002, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to provide for a transfer; to provide legislative intent; to provide a contingent appropriation; to provide an exemption; and to amend and reenact sections 16.1-01-15 and 54-09-05 of the North Dakota Century Code, relating to interest earnings on the election fund and to the salary of the secretary of state.

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 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Dahl; Delzer; Drovdal; Griffin; Ruby; Zaiser

ABSENT AND NOT VOTING: Bellew; Meier, L.; Thorpe

Reengrossed HB 1002 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DOSCH MOVED that the conference committee report on Engrossed HB 1005 as printed on HJ page 1115 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1005, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer; and to provide for a legislative council study.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bellew; Meier, L.; Thorpe

Reengrossed HB 1005 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WALD MOVED that the conference committee report on Engrossed HB 1018 as printed on HJ pages 1172-1173 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1018, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1018: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society; 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 88 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovda; Ekstrom; Frantsov; 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; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

NAYS: Delzer; Ruby; Wrangham

ABSENT AND NOT VOTING: Bellew; Meier, L.; Thorpe

Reengrossed HB 1018 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. MARTINSON MOVED that the conference committee report on Engrossed HB 1019 as printed on HJ pages 1382-1384 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1019, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and the International Peace Garden; to provide for a transfer; to amend and reenact subsection 5 of section 55-08-05 and section 55-08-14.1 of the North Dakota Century Code, relating to recreational grants and concession agreements; to provide legislative intent; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bellew; Meier, L.; Thorpe

Reengrossed HB 1019 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HOFSTAD MOVED that the conference committee report on Reengrossed HB 1540 as printed on HJ pages 1309-1310 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1540, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1540: A BILL for an Act to amend and reenact subsection 3 of section 50-01.2-03.2 of the North Dakota Century Code, relating to the funding of economic assistance programs in counties with federally recognized Indian reservation land; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 72 YEAS, 19 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Belter; Brandenburg; Delzer; Dosch; Drovdal; Grande; Headland; Heller; Kasper; Kempenich; Klein; Kreidt; Pollert; Ruby; Rust; Skarphol; Svedjan; Weiler; Wrangham

ABSENT AND NOT VOTING: Bellew; Meier, L.; Thorpe

Reengrossed HB 1540 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KEMPENICH MOVED that the conference committee report on Reengrossed SB 2013 as printed on HJ page 1678 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2013, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2013: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to provide for distribution amounts from permanent funds; and to provide a transfer to the general fund.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bellew; Meier, L.; Thorpe

Reengrossed SB 2013, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KLEIN MOVED that the conference committee report on Engrossed SB 2022 as printed on HJ page 1678 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BERG MOVED that the conference committee report on Engrossed SB 2023 as printed on HJ pages 1651-1652 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2023, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act to provide an appropriation for defraying the expenses of the commission on legal counsel for indigents; and to create and enact a new section to chapter 54-61 of the North Dakota Century Code, relating to contracting for public defenders.

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

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

NAYS: Glassheim; Winrich

ABSENT AND NOT VOTING: Bellew; Meier, L.; Thorpe

Engrossed SB 2023, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BERG MOVED that the conference committee report on Engrossed SB 2064 as printed on HJ pages 1678-1679 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2064, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2064: A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 44-08-04, subsections 1, 2, 3, and 7 of section 54-03-20, subsection 1 of section 54-06-09, and section 54-35-10 of the North Dakota Century Code, relating to legislative compensation and state officer and employee lodging and mileage reimbursement; to provide an effective date; 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 54 YEAS, 36 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Berg; Boe; Boehning; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Drovdal; Froseth; Grande; Hanson; Hawken; Headland; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Kreidt; Kretschmar; Kroeber; Myxter; Nelson; Onstad; Pollert; Porter; Potter; Schatz; Schmidt; Schneider; Skarphol; Thoreson; Uglem; Vig; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wrangham; Zaiser; Speaker Monson

NAYS: Amerman; Belter; Delmore; Delzer; Dosch; Ekstrom; Frantsvog; Froelich; Glassheim; Griffin; Gruchalla; Hatlestad; Heller; Hunskor; Karls; Kasper; Keiser; Kerzman; Klemm; Koppelman; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Nathe; Nottestad; Pietsch; Pinkerton; Ruby; Rust; Sukut; Svedjan; Vigesaa; Wieland; Wolf

ABSENT AND NOT VOTING: Bellew; Boucher; Meier, L.; Thorpe

Engrossed SB 2064, as amended, passed, the title was agreed to, but the emergency clause lost.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. PIETSCH MOVED that the conference committee report on Engrossed SB 2198 as printed on HJ page 1679 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2198, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2198: A BILL for an Act to create and enact five new sections to chapter 50-06.4 and a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the provision of services to individuals with traumatic brain injury; to amend sections 50-06.4-02 and 54-38-05 of the North Dakota Century Code, relating to joint meetings and duties of the department of human services; and to provide an 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 87 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boehning; 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; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Thoreson;

Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Speaker Monson

NAYS: Delzer; Svedjan; Zaiser

ABSENT AND NOT VOTING: Bellew; Boucher; Meier, L.; Thorpe

Engrossed SB 2198, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BERG MOVED that the conference committee report on Engrossed SB 2225 as printed on HJ pages 1652-1653 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2225, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2225: A BILL for an Act to create and enact a new subsection to section 10-30.5-02 of the North Dakota Century Code, relating to the North Dakota development fund; to amend and reenact subsection 1 of section 6-09.14-01 of the North Dakota Century Code, relating to eligibility under the partnership in assisting community expansion program; to establish a grant program for early childhood facilities; to provide a report to the budget section; to provide an appropriation; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 69 YEAS, 21 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boehning; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; Delmore; Dosch; Ekstrom; Frantsvog; Froelich; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Schatz; Schmidt; Schneider; Sukut; Thoreson; Uglem; Vig; Vigesaa; Wall; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

NAYS: Brandenburg; DeKrey; Delzer; Drovdal; Froseth; Headland; Heller; Karls; Kasper; Keiser; Kreidt; Nathe; Pollert; Ruby; Rust; Skarphol; Svedjan; Wald; Weiler; Weisz; Wrangham

ABSENT AND NOT VOTING: Bellew; Boucher; Meier, L.; Thorpe

Engrossed SB 2225, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. D. JOHNSON MOVED that the conference committee report on Engrossed SB 2248 as printed on HJ pages 941-942 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. R. KELSCH MOVED that the conference committee report on Reengrossed SB 2266 as printed on HJ page 1100 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2266, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2266: A BILL for an Act to amend and reenact section 15-11-39 of the North Dakota Century Code, relating to the nursing education consortium; to provide a statement of legislative intent; to provide an appropriation; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bellew; Boucher; Meier, L.; Thorpe

Reengrossed SB 2266, as amended, passed and the title was agreed to.

MOTION

REP. VIGESAA MOVED that Rep. Berg replace Rep. Svedjan on the House Conference Committee on HB 1481, which motion prevailed.

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: SB 2005, SB 2013, SB 2023, SB 2198, SB 2225, SB 2266.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2022, SB 2248.

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 failed: SB 2064.

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 1002, HB 1005, HB 1509, HB 1540.

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 1018, HB 1019.

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

MR. PRESIDENT: The Speaker has appointed Rep. Berg to replace Rep. Svedjan on the Conference Committee on HB 1481.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1407.

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

MR. SPEAKER: The Senate has amended and subsequently passed: SCR 4038.

SENATE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4038

In lieu of the amendments printed on pages 1567 and 1568 of the Senate Journal, Senate Concurrent Resolution No. 4038 is amended as follows:

Page 1, line 15, after "state" insert "after June 30, 2011,"

Page 1, line 17, after the underscored period insert "On July 1, 2011, the state treasurer shall transfer to the public health investment trust fund all tobacco settlement dollars obtained by the state under section IX(c)(2) of the agreement before July 1, 2011, which are unexpended and unobligated on July 1, 2011."

Page 1, line 20, remove ", including immunization programs, cancer"

Page 1, line 21, remove "screening and prevention, diabetes screening and control, and aging services"

Renumber accordingly

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2007.

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 2012, SB 2021.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1006, HB 1057, HB 1360, HB 1368.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Thursday, April 30, 2009, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HCR 3054: Your conference committee (Sens. Hogue, Oehlke, Triplett and Reps. Koppelman, Weiler, Schneider) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1144-1145, adopt amendments as follows, and place HCR 3054 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1144 and 1145 of the House Journal and page 984 of the Senate Journal and that House Concurrent Resolution No. 3054 be amended as follows:

Page 1, replace lines 15 through 25 with:

- "1. Thirty percent of total revenue derived from taxes on oil and gas production or extraction must be transferred by the state treasurer to a special fund in the state treasury known as the legacy fund. The legislative assembly may transfer funds from any source into the legacy fund and such transfers become part of the principal of the legacy fund.
2. The principal and earnings of the legacy fund may not be expended until after June 30, 2017, and an expenditure of principal after that date requires a vote of at least two-thirds of the members elected to each house of the legislative assembly. Not more than fifteen percent of the principal of the legacy fund may be expended during a biennium.
3. Statutory programs, in existence as a result of legislation enacted through 2009, providing for impact grants, direct revenue allocations to political subdivisions, and deposits in the oil and gas research fund must remain in effect but the legislative assembly may adjust statutory allocations for those purposes."

Page 2, remove lines 1 through 4

Page 2, line 6, after the first "fund" insert "accruing after June 30, 2017,"

Page 2, line 7, replace "fiscal year" with "biennium" and remove "The principal of the North Dakota legacy fund may not be"

Page 2, remove lines 8 through 10

Renumber accordingly

HCR 3054 was placed on the Seventh order of business on the calendar.

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

Buell J. Reich, Chief Clerk