

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, April 9, 2009

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor Stephen Holmes, First Congregational Church, Garrison.

The roll was called and all members were present except Senator Marcellais.

A quorum was declared by the President.

SECOND READING OF HOUSE BILL

HB 1306: A BILL for an Act to create and enact a new section to chapter 12-59, a new subdivision to subsection 2 of section 28-32-01, a new subsection to section 39-06.1-11, and five new sections to chapter 54-12 of the North Dakota Century Code, relating to the authority of the parole board to use the twenty-four seven sobriety program as an intermediate sanction or condition of parole, temporary restricted driver's permits, and establishment of a statewide twenty-four seven sobriety program by the attorney general; to amend and reenact subsection 3 of section 12.1-32-07 of the North Dakota Century Code, relating to supervision of probationers; to provide an appropriation; and to provide a continuing appropriation.

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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Christmann

ABSENT AND NOT VOTING: Marcellais

Reengrossed HB 1306 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

HB 1452 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1562: A BILL for an Act to provide for a legislative council study of an administrative leave program for state employees to attend certain hearings or meetings.

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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Erbele

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1562 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1556: A BILL for an Act to provide for a study by the department of human services of rates for public and private licensed developmental disability providers; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1556 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1040: A BILL for an Act to provide for a procedure for missing person investigations.

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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Dever

ABSENT AND NOT VOTING: Marcellais

Reengrossed HB 1040, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1276: A BILL for an Act to provide an appropriation for afterschool learning programs.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Dotzenrod; Fiebiger; Flakoll; Heckaman; Horne; Krauter; Lindaas; Mathern; Miller; Nelson; O'Connell; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Nething; Nodland; Oehlke; Stenehjelm; Wanzek; Wardner

ABSENT AND NOT VOTING: Marcellais

Reengrossed HB 1276 lost.

SECOND READING OF HOUSE BILL

HB 1478: A BILL for an Act to amend and reenact section 50-29-04 of the North Dakota Century Code, relating to eligibility under the state children's health insurance program; and to provide legislative intent.

MOTION

SEN. MATHERN MOVED that Reengrossed HB 1478 be amended as follows:

In lieu of the amendments adopted by the Senate as printed on page 895 of the Senate Journal, Reengrossed House Bill No. 1478 is amended as follows:

Page 1, line 1, after "to" insert "create and enact two new sections to chapter 50-29 of the North Dakota Century Code, relating to children's health insurance buy-in and premium assistance programs; to"

Page 1, line 2, after "program" insert "; and to provide legislative intent"

Page 1, after line 3, insert:

"SECTION 1. A new section to chapter 50-29 of the North Dakota Century Code is created and enacted as follows:

Children's health insurance buy-in program. The department shall establish a buy-in program through which a parent or guardian whose family net income exceeds the income eligibility limit provided for under section 50-29-04 may purchase a plan of coverage for a child who is uninsured. The coverage, copayments, and deductibles for a plan of coverage purchased under this section must be comparable to the coverage, copayments, and deductibles under the children's health insurance program. The premium for coverage may not exceed the amount the children's health insurance program pays per month for a child of comparable age whose family income is within the income eligibility limit provided for under section 50-29-04. The department shall reimburse the county for any costs incurred by the county in the implementation and administration of the buy-in program."

Page 1, line 13, overstrike "one" and insert immediately thereafter "two" and remove "sixty"

Page 2, after line 3, insert:

"7. The department shall seek a federal waiver to increase the net income eligibility level provided under subsection 6 to three hundred percent of the poverty line. Upon approval of the waiver, the income eligibility limit in subsection 6 is increased to the limit approved by the waiver."

SECTION 3. A new section to chapter 50-29 of the North Dakota Century Code is created and enacted as follows:

Premium for coverage. Upon approval of the waiver requested under subsection 7 of section 50-29-04, the department shall charge a monthly premium for coverage for an eligible applicant whose net income exceeds two hundred percent of the poverty line but does not exceed three hundred percent of the poverty line. The monthly premium must be equivalent to the amount expended monthly in state funds for

an eligible applicant whose net income is two hundred percent of the poverty line or less.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the sixty-first legislative assembly that public school districts and private schools help ensure that families of enrolled school-age children are aware of available health care coverage. Health care coverage may be available from individual student policies or from state or federally funded programs, such as medicaid or the children's health insurance program. It is expected that schools will provide information and applications to families as part of annual enrollment efforts. The department of human services and the superintendent of public instruction may offer assistance to schools with this effort."

Renumber accordingly

REQUEST

SEN. FIEBIGER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed HB 1478, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Reengrossed HB 1478, the roll was called and there were 20 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Dotzenrod; Fiebigier; Heckaman; Horne; Krauter; Lindaas; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Stenehjem; Wanzek; Wardner

ABSENT AND NOT VOTING: Marcellais

The proposed amendments to Reengrossed HB 1478 failed.

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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebigier; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Bowman

ABSENT AND NOT VOTING: Marcellais

Reengrossed HB 1478, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1530: A BILL for an Act to amend and reenact section 44-01-05 of the North Dakota Century Code, relating to oaths of civil officers.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebigier; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

HB 1530 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1339: A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to hospital designation as a primary stroke center and related services offered by emergency medical services operations.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

HB 1339 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1043: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to a dementia care services program; to provide for a report to the legislative council; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

NAYS: Triplett

ABSENT AND NOT VOTING: Marcellais

HB 1043 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1289: A BILL for an Act to create and enact a new subsection to section 57-39.2-01 of the North Dakota Century Code, relating to definition of irrigation equipment repair parts; to amend and reenact subsection 45 of section 57-39.2-04 and section 57-39.5-02 of the North Dakota Century Code, relating to an exemption from sales, use, and farm machinery gross receipts taxes for sales of irrigation equipment repair parts used exclusively for agricultural purposes; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 26 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bakke; Behm; Bowman; Dotzenrod; Erbele; Fiebiger; Heckaman; Horne; Klein; Krauter; Krebsbach; Lindaas; Mathern; Nelson; O'Connell; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Wanzek; Warner

NAYS: Anderson; Christmann; Cook; Dever; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Stenehjem; Wardner

ABSENT AND NOT VOTING: Marcellais

HB 1289 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1217: A BILL for an Act to amend and reenact section 20.1-01-22 of the North Dakota Century Code, relating to hunting on lands having unharvested oilseed crops; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1217 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1256: A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to income tax treatment of qualified dividend income; 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 30 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Horne; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Potter; Seymour; Stenehjem; Wanzek; Wardner

NAYS: Anderson; Bakke; Dotzenrod; Fiebiger; Heckaman; Krauter; Lindaas; Mathern; Nelson; O'Connell; Pomeroy; Robinson; Schneider; Taylor; Triplett; Warner

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1256 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1255: A BILL for an Act to amend and reenact section 57-38-30 of the North Dakota Century Code, relating to corporate income tax rates; 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 NOT PASS, the roll was called and there were 4 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Hogue; Miller; Potter; Wanzek

NAYS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson;

Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1255, as amended, lost.

SECOND READING OF HOUSE BILL

HB 1240: A BILL for an Act to amend and reenact subsection 4 of section 20.1-03-36.1 of the North Dakota Century Code, relating to guide and outfitter license exemptions.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebig; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1240 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1071: A BILL for an Act to amend and reenact subsection 1 of section 38-08-08 and section 47-16-39.1 of the North Dakota Century Code, relating to the provisions of pooling orders and the failure to pay royalties to unleased mineral interest owners.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebig; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1071 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1299: A BILL for an Act to amend and reenact subsection 1 of section 50-24.1-02 of the North Dakota Century Code, relating to eligibility for medical assistance.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 39 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Behm; Dever; Fiebig; Grindberg; Potter; Schneider; Seymour

NAYS: Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Robinson; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais

HB 1299 lost.

SECOND READING OF HOUSE BILL

HB 1045: A BILL for an Act to amend and reenact section 47-05-01, subsection 1 of section 47-05-02, and section 47-05-17 of the North Dakota Century Code, relating to severance of the right of access for hunting access from the surface estate.

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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Behm

ABSENT AND NOT VOTING: Marcellais

Engrossed HB 1045 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that HB 1551, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1551 was rereferred.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. CHRISTMANN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1059, Engrossed HB 1129, Engrossed HB 1145, HB 1202, and HB 1329, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1059: Sens. Andrist, J. Lee, Anderson
Engrossed HB 1129: Sens. Andrist, Olafson, Dotzenrod
Engrossed HB 1145: Sens. Dever, Erbele, Heckaman
HB 1202: Sens. Wanzek, Andrist, Horne
HB 1329: Sens. Erbele, Dever, Pomeroy

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to SB 2044 as printed on SJ page 1029 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2044: Sens. Erbele, J. Lee, Pomeroy.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2097 as printed on SJ page 651 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2097: Sens. J. Lee, Dever, Marcellais.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2098 as printed on SJ page 932 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2098: Sens. Dever, Erbele, Heckaman.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2158 as printed on SJ page 709 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2158: Sens. J. Lee, Dever, Heckaman.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2198 as printed on SJ pages 1029-1030 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2198: Sens. J. Lee, Erbele, Heckaman.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to SB 2195 as printed on SJ page 932 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2195: Sens. Erbele, J. Lee, Marcellais.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do not concur in the House amendments to SB 2201 as printed on SJ pages 1168-1169 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2201: Sens. Cook, Miller, Dotzenrod.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2229 as printed on SJ pages 1171-1174 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2229: Sens. Oehlke, Hogue, Triplett.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2442, SB 2443.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1043, HB 1045, HB 1071, HB 1217, HB 1240, HB 1256, HB 1289, HB 1306, HB 1339, HB 1452, HB 1530, HB 1556, HB 1562.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1425.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1040, HB 1478.

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

MR. SPEAKER: The Senate has failed to pass unchanged: HB 1276, HB 1299.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1255.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2007, SB 2010, SB 2016, SB 2019, SB 2022.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2007

Page 1, line 2, after the semicolon insert "to provide for contingent funding;"

Page 1, line 3, remove "and" and after "intent" insert "; to provide for a report to the budget section; and to declare an emergency"

Page 1, line 15, replace "2,810,639" with "2,685,740" and replace "11,643,754" with "11,518,855"

Page 1, line 16, replace "1,131,757" with "1,049,857" and replace "4,643,757" with "4,561,857"

Page 1, line 17, replace "(14,651,180)" with "(11,646,457)" and replace "294,597" with "3,299,320"

Page 1, line 20, replace "(\$10,598,696)" with "(\$7,800,772)" and replace "16,692,196" with "19,490,120"

Page 1, line 21, replace "(12,354,465)" with "(12,397,937)" and replace "11,076,861" with "11,033,389"

Page 1, line 22, replace "1,755,769" with "4,597,165" and replace "5,615,335" with "8,456,731"

Page 2, line 4, replace "198,888" with "184,321" and replace "1,006,054" with "991,487"

Page 2, line 5, replace "198,888" with "184,321" and replace "1,006,054" with "991,487"

Page 2, line 11, replace "1,954,657" with "4,781,486" and replace "6,621,389" with "9,448,218"

Page 2, line 12, replace "(12,354,465)" with "(9,239,932)" and replace "11,076,861" with "14,191,394"

Page 2, line 13, replace "(\$10,399,808)" with "(\$4,458,446)" and replace "17,698,250" with "23,639,612"

Page 2, line 21, replace "0" with "3,039,414"

Page 2, line 24, replace "Carpet and floor tile repairs" with "General fund salary funding of new facility positions" and replace "20,000" with "502,240"

Page 2, line 28, replace "228,488" with "3,750,142"

Page 2, line 29, replace "288,488" with "710,728"

Page 2, line 30, replace "0" with "3,039,414"

Page 3, after line 4, insert:

"SECTION 3. 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 veterans' home, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Thermal imager (funds from the department of commerce)	\$5,500
Electronic health records system	98,400
Bobcat utility vehicle	14,691
Geothermal heating system (funds from the department of commerce)	3,039,414
Total federal funds	<u>\$3,158,005</u>

The veterans' home 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 4. CONTINGENT FUNDING - EQUIPMENT AND PROJECTS.

Section 1 of this Act includes \$5,500 for a thermal imager, \$98,400 for an electronic health care records system, and \$3,039,414 for a geothermal heating system in the new veterans' home facility from the general fund which may be spent only to the extent that federal funds appropriated in section 3 of this Act are not available for these purposes.

SECTION 5. VETERANS' HOME SHARE OF SALARY EQUITY POOL.

The office of management and budget shall provide three-fourths of one percent of any general fund salary equity pool that is appropriated for salary equity increases for classified state employees, for the biennium beginning July 1, 2009, and ending June 30, 2011, to the veterans' home."

Page 3, after line 16, insert:

"SECTION 8. REPORT TO BUDGET SECTION - VETERANS' HOME CONSTRUCTION PROJECT. The veterans' home construction project manager shall provide a quarterly written summary report to the budget section regarding the status of the veterans' home construction project during the 2009-10 interim.

SECTION 9. EMERGENCY. The appropriation for the geothermal heating system of \$3,039,414 from the general fund in section 1 of this Act and section 3 of this Act are declared to be emergency measures."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98026.0204 FN 3

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

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2010

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

Page 1, line 11, replace "107,359" with "100,470" and replace "699,336" with "692,447"

Page 1, line 13, replace "234,450" with "157,000" and replace "1,839,728" with "1,762,278"

Page 1, line 14, replace "386,992" with "302,653" and replace "2,831,109" with "2,746,770"

Page 1, line 16, replace "229,824" with "145,485" and replace "1,385,623" with "1,301,284"

Page 2, remove line 1

Page 2, line 2, replace "10,000" with "\$10,000" and replace "0" with "\$0"

Page 2, line 3, replace "67,450" with "0"

Page 2, after line 10, insert:

"SECTION 4. 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 council on the arts, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Grants to arts organizations for salary support	\$175,000
Grants to arts organizations for maintenance or expansion of current artistic contracts	80,000
Administrative support for new one-time grant programs	<u>35,000</u>
Total federal funds	\$290,000

The council on the arts 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 5. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98029.0203 FN 2

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

HOUSE AMENDMENTS TO SENATE BILL NO. 2016

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

Page 1, line 12, replace "3,785,051" with "2,565,816" and replace "36,785,481" with "35,566,246"

Page 1, line 13, replace "(1,727,677)" with "(1,927,677)" and replace "11,424,804" with "11,224,804"

Page 1, line 19, replace "\$285,451" with "\$1,133,784" and replace "63,696,582" with "62,277,347"

Page 1, line 20, replace "266,969" with "(952,266)" and replace "61,931,140" with "60,711,905"

Page 1, line 21, replace "\$18,482" with "\$181,518" and replace "1,765,442" with "1,565,442"

Page 1, after line 22, insert:

"SECTION 2. 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 job service North Dakota, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Workforce Investment Act programs	\$5,068,883
State unemployment insurance and employment services	2,984,613
Unemployment compensation benefit increase - Administration	1,039,443
Total federal funds	\$9,092,939

Job service North Dakota 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."

Page 2, line 6, after "funds" insert ", except funds under the federal American Recovery and Reinvestment Act of 2009,"

Page 2, after line 11, insert:

"SECTION 6. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98035.0104 FN 3

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

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2019

Page 1, line 2, after "education" insert "; to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to counselor position requirements; to provide an effective date; and to declare an emergency"

Page 1, line 12, replace "643,124" with "594,338" and replace "4,218,816" with "4,170,030"

Page 1, line 17, replace "0" with "206,000" and replace the second "3,000,000" with "3,206,000"

Page 1, line 18, replace "3,784,110" with "3,941,324" and replace "36,623,778" with "36,780,992"

Page 1, line 20, replace "4,056,860" with "4,214,074" and replace "25,860,896" with "26,018,110"

Page 1, after line 21, insert:

"SECTION 2. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Counselor positions - Requirement.

1. Each school district shall have available one full-time equivalent counselor for every three hundred students in grades seven through twelve.
2. Up to one-third of the full-time equivalency requirement established in subsection 1 may be met by career advisors.
3. For purposes of this section, a "career advisor" means an individual who holds a certificate in career development facilitation issued by the department of career and technical education under section 1 of this Act or an individual who is provisionally approved by the department of career and technical education under this section to serve as a career advisor.

SECTION 3. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The department of career and technical education 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, 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 4. EFFECTIVE DATE. Section 2 of this Act becomes effective on July 1, 2010.

SECTION 5. EMERGENCY. Section 3 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98038.0203 FN 3

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

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2022

Page 1, line 11, replace "670,584" with "639,277" and replace "6,836,802" with "6,805,495"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98041.0201 FN 1

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

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

MR. PRESIDENT: The House has amended and subsequently failed: SB 2087.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2044, SB 2097, SB 2098, SB 2158, SB 2195, SB 2198, SB 2201, and SB 2229 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2044: Sens. Erbele; J. Lee; Pomeroy

SB 2097: Sens. J. Lee; Dever; Marcellais

SB 2098: Sens. Dever; Erbele; Heckaman

SB 2158: Sens. J. Lee; Dever; Heckaman

SB 2195: Sens. Erbele; J. Lee; Marcellais

SB 2198: Sens. J. Lee; Erbele; Heckaman

SB 2201: Sens. Cook; Miller; Dotzenrod

SB 2229: Sens. Oehlke; Hogue; 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 1059: Sens. Andrist; J. Lee; Anderson

HB 1129: Sens. Andrist; Olafson; Dotzenrod

HB 1145: Sens. Dever; Erbele; Heckaman

HB 1202: Sens. Wanzek; Andrist; Horne

HB 1329: Sens. Erbele; Dever; Pomeroy

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2046, SB 2319, SB 2425, SCR 4027.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1231, HB 1346, HB 1350.

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

MR. SPEAKER: The President has signed: HB 1029, HB 1113, HB 1209, HB 1288, HB 1371, HB 1416, HB 1435, HB 1445, HB 1463, HCR 3015.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 8, 2009, I have signed the following: SB 2026, SB 2034, SB 2036, SB 2037, SB 2045, SB 2050, SB 2052, SB 2053, SB 2061, SB 2067, SB 2086, SB 2088, SB 2091, SB 2095, SB 2103, SB 2105, SB 2107, SB 2108, SB 2109, SB 2115, SB 2118, SB 2124, SB 2126, SB 2127, SB 2132, SB 2135, SB 2137, SB 2139, SB 2140, SB 2142, SB 2143, SB 2146, SB 2147, SB 2148, SB 2149, SB 2150, SB 2153, SB 2156, SB 2159, SB 2164, SB 2166, SB 2167, SB 2169, SB 2174, SB 2181, SB 2182, and SB 2184.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 8, 2009, I have signed the following: SB 2200, SB 2203, SB 2204, SB 2206, SB 2209, SB 2210, SB 2211, SB 2214, SB 2215, SB 2217, SB 2220, SB 2233, SB 2235, SB 2236, SB 2240, SB 2241, SB 2245, SB 2253, SB 2254, SB 2259, SB 2265, SB 2268, SB 2269, SB 2274, SB 2281, SB 2282, SB 2289, SB 2298, SB 2307, SB 2309, SB 2313, SB 2321, SB 2322, SB 2328, SB 2344, SB 2349, SB 2354, SB 2357, SB 2367, SB 2378, SB 2380, SB 2388, SB 2389, SB 2390, SB 2416, SB 2422, and SB 2444.

MOTION

SEN. CHRISTMANN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Friday, April 10, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4033: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SCR 4033 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "intimidation"

Page 1, remove lines 17 through 21

Page 2, line 12, remove "the United States Department of Homeland Security,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1304, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1304, as amended, was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Klein, Wanzek introduced:

(Approved by the Delayed Bills Committee)

SCR 4036: A concurrent resolution urging the United States Department of Agriculture to implement livestock indemnity program regulations that account for the fair market value of newborn calves and their cost of production.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3065: A concurrent resolution urging Congress to appoint an independent counsel to investigate the issue of American prisoners of war and those missing in action.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

The Senate stood adjourned pursuant to Senator Christmann's motion.

Fran A. Gronberg, Secretary

