

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, April 16, 2009

The Senate convened at 8:00 a.m., with President Dalrymple presiding.

The prayer was offered by Senator David Hogue, District 38.

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

A quorum was declared by the President.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2004.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2004

Page 1, line 2, remove "and"

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

Page 1, line 13, replace "7,496,481" with "7,020,717" and replace "45,205,612" with "44,729,848"

Page 1, line 14, replace "644,923" with "425,255" and replace "44,681,462" with "44,461,794"

Page 1, line 16, replace "991,734" with "1,946,934" and replace "59,009,510" with "59,964,710"

Page 1, line 17, replace "38,612" with "160,339" and replace "8,957,958" with "9,079,685"

Page 1, line 19, replace "16,681,010" with "17,062,505" and replace "184,731,185" with "185,112,680"

Page 1, line 20, replace "12,400,770" with "13,867,919" and replace "162,996,047" with "164,463,196"

Page 1, line 21, replace "4,280,240" with "3,194,586" and replace "21,735,138" with "20,649,484"

Page 1, line 22, replace "12.00" with "11.00" and replace "343.50" with "342.50"

Page 2, replace lines 9 through 14 with:

"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 state department of health, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Water quality grants	\$194,300
Superfund arsenic trioxide project grants	7,000,000
Clean diesel grants (provided to the department of public instruction)	1,730,000
Clean water state revolving loan fund administration	769,564
Drinking water state revolving loan fund administration	780,000
Women, infants, and children	61,800
Total federal funds	\$10,535,664

The state department of health 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, replace lines 21 through 23 with:

"SECTION 5. EMERGENCY MEDICAL SERVICES OPERATIONS - FUNDING FROM INSURANCE TAX DISTRIBUTION FUND - REPORT TO LEGISLATIVE COUNCIL. The estimated income line item in section 1 of this Act includes \$2,750,000 from the insurance tax distribution fund for the biennium beginning July 1, 2009, and ending June 30, 2011. Of this amount, \$2,250,000 is for grants to emergency medical services operations as provided in chapter 23-40 and \$500,000 is for obtaining consulting assistance to:

- Develop, implement, and provide an access critical ambulance service operations assessment process for the purpose of improving emergency medical services delivery;
- Develop, implement, and provide leadership development training;
- Develop, implement, and provide a biennial emergency medical services recruitment drive; and
- Provide regional assistance to ambulance services to develop a quality review process for emergency medical services personnel and a mechanism to report to medical directors.

The state department of health shall report to the legislative council on the use of the funding provided under this section. The department shall require recipients of grants under this section to provide information on the use of funds received as necessary to provide the report to the legislative council."

Page 3, after line 3, insert:

"SECTION 8. EXEMPTION. The \$200,000, of which \$150,000 is from the community health trust fund and \$50,000 is from the general fund, appropriated for colorectal screening grants, as contained in section 3 of chapter 4 of the 2007 Session Laws, is not subject to the provisions of section 54-44.1-11, and any unexpended funds from these appropriations are available and may be expended during the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 9. LEGISLATIVE COUNCIL STUDY - IMMUNIZATION PROGRAM. During the 2009-10 interim, the legislative council shall consider studying the state immunization program. The study, if conducted, must identify pharmacists' or other providers' ability and interest in immunizing children and include a review of the effect of the program on public health units, including billing, billing services, fee collections, and uncollectible accounts. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 10. EMERGENCY. Section 3 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98047.0403 FN 2

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, subsequently passed, and the emergency clause carried: SB 2018, SB 2441.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2018

Page 1, line 2, after the first semicolon insert "to provide an appropriation to the office of management and budget; to provide an appropriation to the department of emergency services; to provide a contingent appropriation;" remove "to provide for an audit;" and remove "to authorize"

Page 1, remove line 3

Page 1, line 4, remove "continuing appropriation;"

Page 1, line 5, replace "15-69" with "54-18, a new section to chapter 54-44.1,"

Page 1, line 6, replace "a centers of excellence fund to" with "an annual transfer from the state mill and elevator association, the establishment of a searchable database of state expenditures,"

Page 1, line 8, replace "subsection" with "subsections 1 and 4 of section 15-69-02, subsections", after "2" insert "and 3", replace the second "and" with ", subsections 1, 3, 4, and 5 of", and after "15-69-05" insert ", and section 54-60-17"

Page 1, line 9, after "excellence" insert "and higher education internships and work experience opportunities"

Page 1, line 19, replace "1,359,088" with "1,193,961" and replace "10,185,967" with "10,020,840"

Page 1, line 20, replace "719,584" with "(180,416)" and replace "15,028,272" with "14,128,272"

Page 1, line 22, replace "32,661,310" with "18,111,310" and replace "81,436,058" with "66,886,058"

Page 2, line 2, replace "664,000" with "500,000" and replace "2,164,000" with "2,000,000"

Page 2, line 4, replace "35,272,419" with "19,493,292" and replace "114,512,900" with "98,733,773"

Page 2, line 5, replace "12,950,345" with "13,907,954" and replace "68,708,861" with "69,666,470"

Page 2, line 6, replace "22,322,074" with "5,585,338" and replace "45,804,039" with "29,067,303"

Page 2, after line 7, 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 the department of commerce, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Community development block grant program	\$1,300,000
Community services block grant	4,853,305
State energy program	24,585,000
Energy efficiency and conservation block grants	10,000,000
Weatherization assistance program	25,266,330
Emergency shelter grants	2,590,000
Total federal funds	\$68,594,635

The department of commerce 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 3. USE OF FEDERAL FISCAL STIMULUS FUNDS - ELECTRICAL GENERATORS. The department of commerce shall use \$2,000,000 of the funding appropriated in section 2 of this Act for the purpose of establishing a grant program to assist in the purchase and installation of electrical generators that consume at least seventy-five percent of the gas from oil and gas well sites which would otherwise be

flared or wasted, for the period beginning with the effective date of this Act and ending June 30, 2011. The funding is contingent upon approval from the United States department of energy of use of the funding for the grant program. Before making a grant from the program established by this section, the department of commerce shall obtain the recommendation of the oil and gas research program administered by the industrial commission regarding the application's technical accuracy and consistency with the oil and gas research program.

SECTION 4. USE OF FEDERAL FISCAL STIMULUS FUNDS - BIOFUEL BLENDER PUMP GRANTS. The department of commerce shall use up to \$1,000,000 of the funding appropriated in section 2 of this Act for biofuel blender pump grants.

SECTION 5. CONTINGENT GENERAL FUND APPROPRIATION - BUDGET SECTION APPROVAL. If the federal funds appropriated under section 2 of this Act are not available to provide the sum of \$1,000,000 for biofuel blender pump grants, there is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the department of commerce for transfer to the biofuel blender pump incentive fund, for the biennium beginning July 1, 2009, and ending June 30, 2011. The department of commerce may spend the general fund moneys subject to budget section approval and only to the extent that federal funds are not available to provide the \$1,000,000 appropriated under sections 2 and 4 of this Act. This funding is one-time funding for the 2009-11 biennium.

SECTION 6. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,594,567, or so much of the sum as may be necessary, to the department of emergency services for the purpose of providing grants to eligible political subdivisions for up to fifty percent of the costs incurred by the political subdivisions in meeting the local cost-share required by the federal emergency management agency for disaster, emergency response, and recovery costs, and for up to fifty percent of the costs incurred by the political subdivisions for disaster, emergency response, and recovery costs not covered by the federal emergency management agency, for the period beginning with the effective date of this Act and ending June 30, 2011. For the purposes of this section, an eligible political subdivision is one that experienced damage or destruction due to a tornado during the summer of 2007.

SECTION 7. APPROPRIATION - FEDERAL FISCAL STABILIZATION - OTHER GOVERNMENT SERVICES. There is appropriated from federal fiscal stabilization - other government services funds made available to the governor under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, the sum of \$400,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of establishing a searchable database of state expenditures as provided for in section 31 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011. Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget."

Page 2, line 11, replace "11" with "14"

Page 2, line 16, replace "2,000,000" with "1,000,000"

Page 2, remove lines 17 through 20

Page 2, line 23, replace "11,100,000" with "1,100,000"

Page 3, remove lines 13 through 16

Page 3, line 20, replace "fifty" with "sixty-two and a half"

Page 3, line 29, replace "\$2,000,000" with "\$1,000,000"

Page 4, line 3, remove "TRANSFER -"

Page 4, line 5, replace "\$20,000,000, which the office of management and budget shall" with "\$15,000,000, or so much of the sum as may be necessary, to the department of commerce"

Page 4, line 6, remove "transfer to the centers of excellence fund"

Page 4, replace lines 8 through 30 with:

"SECTION 16. EXEMPTION. Any funding remaining at the end of the 2007-09 biennium of up to \$9,704,568 from the permanent oil tax trust fund appropriated to the office of management and budget in section 14 of chapter 18 of the 2007 Session Laws is not subject to section 54-44.1-11.

SECTION 17. CENTERS OF EXCELLENCE STATE TAX REVENUE IMPACT STUDY - REPORT.

1. During the 2009-11 biennium, the state auditor, in consultation with the tax commissioner and the department of commerce, shall conduct a study of the state tax revenue impact of the centers of excellence program and shall calculate the direct impact of the program on state tax revenues. The study must include an analysis for each center of excellence of the actual matching funds received by source; actual number of private sector jobs created, including information as to whether the jobs would have been created without the center; and new private sector facilities opened as the result of the center. The study must be based on information available to the tax commissioner and the state auditor.
2. During the organizational session of the sixty-second legislative assembly, the state auditor shall submit to the president pro tempore of the senate and the speaker of the house a report on the findings and results of the centers of excellence state tax revenue impact study.
3. The tax commissioner shall compile direct tax revenue and expenditure data and provide this data to the state auditor. Notwithstanding the confidentiality provisions contained in chapters 57-38 and 57-39.2, the tax commissioner shall provide the state auditor the information necessary to accomplish and effectuate the study required by this section. The tax commissioner may request the assistance of the department of commerce as necessary to compile this data.
4. The tax commissioner may establish the procedure and format by which the tax data will be provided to the state auditor. If additional information is needed by the state auditor to calculate the tax impact of the centers of excellence program, the state auditor may contact those taxpayers determined necessary to effectuate the study required by this section.
5. Except as provided in subsection 6, the state auditor may establish the manner in which the centers of excellence impact data will be analyzed, organized, and presented in the report.
6. Confidential information the state auditor receives from the tax commissioner may not be divulged by the state auditor unless the information is in the aggregate and in a manner that will not divulge information specific to any taxpayer.

SECTION 18. TOURISM MARKETING MATCHING GRANTS. The grants line item in section 1 of this Act includes the sum of \$500,000 from the general fund for providing tourism marketing matching grants, for the biennium beginning July 1, 2009, and ending June 30, 2011. The department of commerce may use the funds for awarding grants to tourism attraction entities to the extent matching funds are available from nonstate sources on a dollar-for-dollar basis.

SECTION 19. LEGISLATIVE INTENT - DIVISION OF TOURISM - LARGE TOURISM INFRASTRUCTURE GRANTS. It is the intent of the sixty-first legislative assembly that the department of commerce division of tourism develop criteria for large tourism infrastructure grants and a method for setting funding priorities for such grants in future bienniums.

SECTION 20. BASE REALIGNMENT PLAN - REPORT TO THE BUDGET SECTION. The department of commerce, with assistance from local economic development organizations and national organizations specializing in developing alternative uses of former air force base properties, shall develop a plan for the utilization of commercial space available at the Grand Forks air force base, for the biennium beginning July 1, 2009, and ending June 30, 2011. The plan must identify the potential use of existing economic development programs, including the North Dakota development fund, incorporated, and Bank of North Dakota programs. The department

of commerce shall provide reports to the budget section on the status of development of the plan.

SECTION 21. TAX-EXEMPT PROPERTY - REPORT TO THE BUDGET SECTION. During the 2009-10 interim, the department of commerce shall compile information identifying tax-exempt property by school district, including information on the related value of the property based on soil survey, insured value, or other means and a categorization of the property by whether or not it produces revenue based on its use. The department of commerce shall report the information compiled at the first meeting of the budget section in 2010."

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 6

Page 6, line 15, remove "Wade Westin memorial"

Page 6, remove lines 19 through 31

Page 7, remove lines 1 through 5

Page 7, line 23, remove "the Dakota defense"

Page 7, line 24, remove "alliance," and remove the second comma

Page 7, remove lines 26 through 30

Page 8, replace lines 1 through 31 with:

"SECTION 27. AMENDMENT. Subsections 1 and 4 of section 15-69-02 of the North Dakota Century Code are amended and reenacted as follows:

1. The board shall establish a centers of excellence program relating to economic development. ~~The program must distinguish among center designations for awards designated to address commercialization and infrastructure needs.~~ Workforce may not be the primary need addressed by a center. Through the program the commission shall make funding award recommendations for commission-approved applications to the board, the foundation, the emergency commission, and the budget section of the legislative council. A center must be an institution of higher education under the control of the board or a nonprofit university-related or college-related foundation of an institution of higher education under the control of the board. In order to be considered for center designation, the institution of higher education or nonprofit foundation must be working in partnership with the private sector. ~~For an application that includes infrastructure to be considered for center designation, the application must provide detailed information regarding how the future operational costs and maintenance costs related to the infrastructure will be provided and how the costs will not be provided from the general fund.~~ In addition to any center designated under this chapter, the North Dakota state university center for technology enterprise and the university of North Dakota center for innovation are centers.
4. The board rules adopted under subsection 9 of section 15-10-17, relating to ownership of intellectual property, inventions, and discoveries, must address activities and issues unique to centers. The rules must provide that in the case of an agreement or other contract for private-public sharing of royalties or other compensation from intellectual property resulting from center activities, the terms must provide the private sector partner must receive the first royalties or other compensation equal to four times the private sector partner's initial investment and thereafter as agreed by the parties.

SECTION 28. AMENDMENT. Subsections 2 and 3 of section 15-69-04 of the North Dakota Century Code are amended and reenacted as follows:

2. The commission shall meet as necessary to review all complete applications; consider the potential need for independent, expert review of complete applications; approve or disapprove complete applications; make funding award recommendations for commission-approved proposed

centers; direct the ~~office of management and budget~~ department of commerce to distribute funds to the centers; monitor centers for compliance with award requirements; review changes in assertions made in center applications; and conduct postaward monitoring of centers.

3. In considering whether to approve or disapprove an application, the commission shall determine whether the applicant has conducted the due diligence necessary to put together a viable proposal, the commission shall determine whether the applicant has provided information in the application which clearly outlines how the matching fund requirement will be met, and the commission shall consider whether the center will:
 - a. Use university or college research to promote private sector job growth and expansion of knowledge-based industries or use university or college research to promote the development of new products, high-tech companies, or skilled jobs in this state;
 - b. Create high-value private sector employment opportunities in this state;
 - c. Provide for public-private sector involvement and partnerships;
 - d. Leverage other funding, including cash from the private sector;
 - e. Increase research and development activities that may involve federal funding from the national science foundation experimental program to stimulate competitive research;
 - f. Foster and practice entrepreneurship;
 - g. Promote the commercialization of new products and services in industry clusters;
 - h. Become financially self-sustaining; and
 - i. Establish and meet a deadline for acquiring and expending all public and private funds specified in the application.

SECTION 29. AMENDMENT. Subsections 1, 3, 4, and 5 of section 15-69-05 of the North Dakota Century Code are amended and reenacted as follows:

1. A center shall use funds awarded under this chapter to enhance capacity; ~~enhance infrastructure~~; and leverage state, federal, and private sources of funding. A center awarded funds under this chapter may not use the funds to enhance or construct infrastructure, to supplant funding for current operations or academic instructions, or to pay indirect costs.
3. Before the commission directs the ~~office of management and budget~~ department of commerce to distribute funds awarded under this chapter, the center shall provide the commission with detailed documentation of private sector participation and the availability of two dollars of matching funds, of which one dollar must be cash from the private sector, for each dollar of state funds to be distributed under this chapter. The matching funds may include funds facilitated through the collaboration of the private sector participants with other funding entities. The noncash matching funds may include ~~a combination of cash and~~ in-kind assets with itemized value. Private sector participation may be established through equity investments or through contracts for services with private sector entities. In making funding recommendations and designation determinations, the commission, board, foundation, and budget section shall give major consideration to the portion of the matching funds provided in cash by the private sector.
4. The commission shall direct the ~~office of management and budget~~ department of commerce to distribute the funds awarded under this chapter in disbursements consistent with the center's budget and timeframe outlined in the approved award. The commission may not direct distribution of funds under this chapter if there are no private sector partners participating or if the statutorily required matching funds are not available.

5. If, before funds are distributed by the ~~office of management and budget department of commerce~~, a center undergoes a change in the terms of or assertions made in its application, the commission may direct that the ~~office of management and budget department of commerce~~ withhold all or a portion of any undistributed funds pending commission review of the changes.

SECTION 30. A new section to chapter 54-18 of the North Dakota Century Code is created and enacted as follows:

Annual transfer. Within thirty days after the conclusion of each fiscal year, the state industrial commission shall transfer five percent of the net income earned by the state mill and elevator association during that fiscal year to the agricultural fuel tax fund.

SECTION 31. A new section to chapter 54-44.1 of the North Dakota Century Code is created and enacted as follows:

Searchable database of expenditures.

1. By January 1, 2010, the director of the budget shall develop and make publicly available an aggregate and searchable budget database website that includes the following information for the biennium ending June 30, 2009:
 - a. Each budget unit making expenditures.
 - b. The name and city of the recipient of each expenditure.
 - c. The amount of funds expended.
 - d. The source of the funds expended.
 - e. The budget program of the expenditure.
 - f. A descriptive purpose for the expenditure.
 - g. The result or report of any state audit or review relating to any recipient of expenditures or the budget unit or program.
 - h. Any other information determined relevant by the director of the budget.
2. The director of the budget may not include in the database any information that is confidential under state or federal law.
3. The director of the budget may update the budget database website as new data becomes available. Each state agency shall provide to the director of the budget any data required to be included in the budget database website no later than thirty days after the data becomes available to the agency.
4. By January first of each even-numbered year, the director of the budget shall add data for the previous biennium to the budget database website. The director of the budget shall ensure that all data added to the budget database website remains accessible to the public for a minimum of ten years.
5. The budget database website may not redirect users to any other government website, unless the website has information from all budget units and each category of information required can be searched electronically by field in a single search.

SECTION 32. AMENDMENT. Section 54-60-17 of the North Dakota Century Code is amended and reenacted as follows:

54-60-17. Division of workforce development - Higher education internships and work experience opportunities. The division of workforce development shall administer a program to increase use of higher education internships and work experience opportunities for higher education students. The primary focus of

this program must be higher education internships in target industries. This program shall provide services to employers, communities, and business organizations to increase higher education internship and work experience opportunities. Funding awarded under this section is limited to a lifetime maximum of thirty thousand dollars per recipient."

Page 9, remove lines 1 through 25

Page 10, line 7, replace "July" with "November"

Page 10, line 13, replace "is" with "and sections 2 and 6 of this Act are"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98037.0437 FN 16

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

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2441

Page 2, line 1, after "law" insert "or by payment from other funds available to the city which are derived from sources other than special assessments"

Renumber accordingly

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

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

SB 2027: Reps. Koppelman; Headland; J. Kelsh

SB 2028: Reps. Nelson; Wieland; Kerzman

SB 2060: Reps. Froseth; Grande; S. Kelsh

SB 2125: Reps. Uglem; Kingsbury; Mueller

SB 2141: Reps. Keiser; DeKrey; Hunskor

SB 2152: Reps. Frantsvog; Pietsch; Conrad

SB 2161: Reps. Klemin; Koppelman; Wolf

SB 2165: Reps. Porter; Damschen; Hanson

SB 2172: Reps. Dahl; Koppelman; Zaiser

SB 2178: Reps. Wieland; Nelson; Kerzman

SB 2212: Reps. R. Kelsch; L. Meier; Mueller

SB 2230: Reps. Uglem; Damschen; Holman

SB 2232: Reps. Klemin; Kretschmar; Griffin

SB 2266: Reps. R. Kelsch; Delzer; Hunskor

SB 2308: Reps. Dahl; Grande; Schneider

SB 2316: Reps. Hofstad; Nottestad; S. Kelsh

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1162.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1324 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1324: Reps. Belter; Headland; S. Kelsh

MOTION

SEN. CHRISTMANN MOVED that Sen. Fischer replace Sen. Holmberg on the Conference Committee on SB 2010, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that Sen. Lindaas replace Sen. Seymour on the Conference Committee on SB 2010, which motion prevailed.

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 1001, Engrossed HB 1002, Engrossed HB 1003, Engrossed HB 1004, Engrossed HB 1005, Engrossed HB 1006, Engrossed HB 1007, Engrossed HB 1008, Engrossed HB 1009, Engrossed HB 1010,

Engrossed HB 1011, Engrossed HB 1013, Engrossed HB 1014, Engrossed HB 1016, Engrossed HB 1017, and Engrossed HB 1019, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1001: Sens. Holmberg, Kilzer, Mathern
Engrossed HB 1002: Sens. Krebsbach, Kilzer, Warner
Engrossed HB 1003: Sens. Kilzer, Holmberg, Warner
Engrossed HB 1004: Sens. Wardner, Bowman, Krauter
Engrossed HB 1005: Sens. Fischer, Grindberg, Robinson
Engrossed HB 1006: Sens. Wardner, Bowman, Krauter
Engrossed HB 1007: Sens. Christmann, Kilzer, Krauter
Engrossed HB 1008: Sens. Christmann, Kilzer, Warner
Engrossed HB 1009: Sens. Bowman, Fischer, Krauter
Engrossed HB 1010: Sens. Grindberg, Wardner, Krauter
Engrossed HB 1011: Sens. Bowman, Krebsbach, Mathern
Engrossed HB 1013: Sens. Holmberg, Wardner, Robinson
Engrossed HB 1014: Sens. Grindberg, Krebsbach, Seymour
Engrossed HB 1016: Sens. Grindberg, Wardner, Lindaas
Engrossed HB 1017: Sens. Christmann, Grindberg, Krauter
Engrossed HB 1019: Sens. Krebsbach, Bowman, Seymour

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 1021, Engrossed HB 1022, Reengrossed HB 1040, Engrossed HB 1116, HB 1216, Engrossed HB 1509, Engrossed HB 1510, Engrossed HB 1053, Reengrossed HB 1057, HB 1269, HB 1436, HB 1490, Engrossed HB 1554, Engrossed HB 1489, HB 1412, and Engrossed HB 1073, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1021: Sens. Wardner, Krebsbach, Lindaas
Engrossed HB 1022: Sens. Krebsbach, Wardner, Seymour
Reengrossed HB 1040: Sens. Nething, Lyson, Fiebiger
Engrossed HB 1116: Sens. J. Lee, Erbele, Marcellais
HB 1216: Sens. Lyson, Freborg, Schneider
Engrossed HB 1509: Sens. Hogue, Erbele, Schneider
Engrossed HB 1510: Sens. Wanzek, Nodland, Horne
Engrossed HB 1053: Sens. Olafson, Andrist, Bakke
Reengrossed HB 1057: Sens. Dever, Cook, Horne
HB 1269: Sens. Dever, J. Lee, Pomeroy
HB 1436: Sens. Cook, Dever, Horne
HB 1490: Sens. Dever, Oehlke, Nelson
Engrossed HB 1554: Sens. Cook, Dever, Nelson
Engrossed HB 1489: Sens. Oehlke, Miller, Dotzenrod
HB 1412: Sens. Cook, Miller, Anderson
Engrossed HB 1073: Sens. Klein, Nodland, Horne

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 1305, Engrossed HB 1377, HB 1481, Engrossed HCR 3019, and HCR 3054, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1305: Sens. Fischer, Holmberg, Lindaas
Engrossed HB 1377: Sens. Fischer, Holmberg, Robinson
HB 1481: Sens. Grindberg, Fischer, Krauter
Engrossed HCR 3019: Sens. Hogue, Oehlke, Triplett
HCR 3054: Sens. Hogue, Oehlke, Triplett

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2001 as printed on SJ pages 1307-1310 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 2001: Sens. Christmann, Holmberg, Seymour.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2002 as printed on SJ page 1246 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 2002: Sens. Christmann, Kilzer, Warner.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2003 as printed on SJ pages 1310-1316 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 2003: Sens. Holmberg, Krebsbach, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to SB 2006 as printed on SJ pages 1246-1247 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 2006: Sens. Krebsbach, Bowman, Seymour.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to SB 2008 as printed on SJ page 1247 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 2008: Sens. Krebsbach, Bowman, Seymour.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to SB 2011 as printed on SJ pages 1247-1248 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 2011: Sens. Wardner, Krebsbach, Warner.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2013 as printed on SJ page 1248 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 2013: Sens. Wardner, Grindberg, Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2015 as printed on SJ pages 1253-1254 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 2015: Sens. Fischer, Christmann, Krauter.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2017 as printed on SJ pages 1248-1249 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 2017: Sens. Wardner, Holmberg, Seymour.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2020 as printed on SJ pages 1254-1255 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 2020: Sens. Bowman, Holmberg, Lindaas.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2021 as printed on SJ pages 1255-1258 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 2021: Sens. Christmann, Fischer, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2023 as printed on SJ page 1249 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 2023: Sens. Christmann, Kilzer, Warner.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2030 as printed on SJ pages 1260-1261 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 2030: Sens. Grindberg, Krebsbach, Krauter.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2075 as printed on SJ page 1249 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 2075: Sens. Kilzer, Bowman, Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2162 as printed on SJ pages 1249-1250 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 2162: Sens. Dever, Erbele, Pomeroy.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2225 as printed on SJ pages 1285-1286 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 2225: Sens. Erbele, 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 2332 as printed on SJ pages 1258-1260 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 2332: Sens. Dever, J. Lee, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2333 as printed on SJ page 1260 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 2333: Sens. J. Lee, Krebsbach, Heckaman.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FLAKOLL MOVED that the Senate do concur in the House amendments to Engrossed SCR 4021 as printed on SJ page 893, which motion prevailed on a voice vote.

Engrossed SCR 4021, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4021: A concurrent resolution urging Congress to recognize the need for United States Department of Agriculture inspection and regulation of horse processing facilities in the United States.

The question being on the final adoption of the amended resolution, which has been read.

Reengrossed SCR 4021 was declared adopted, and the title was agreed to on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to SB 2041 as printed on SJ page 667, which motion prevailed on a voice vote.

SB 2041, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2041: A BILL for an Act to amend and reenact section 54-59-21 of the North Dakota Century Code, relating to the criminal justice information sharing board.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Stenehjem

Engrossed SB 2041 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to SB 2121 as printed on SJ pages 1167-1168, which motion prevailed on a voice vote.

SB 2121, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2121: A BILL for an Act to provide an appropriation for defraying expenses of the judicial branch of state government related to the establishment of two additional district court judgeships; and to amend and reenact sections 27-05-01 and 27-05-02.1 of the North Dakota Century Code, relating to the number of district court judges and vacancies in judicial office.

ROLL CALL

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

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

Engrossed SB 2121 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that for the Sixty-sixth and Sixty-seventh legislative days Sen. Wardner replace Sen. Bowman on the Conference Committee on SB 2007, which motion prevailed.

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 2009.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009

Page 1, line 14, replace the first "3,000,000" with "9,000,000" and replace the second "3,000,000" with "9,000,000"

Page 1, line 15, replace "14,530,000" with "8,530,000" and replace "15,697,150" with "9,697,150"

Page 1, line 22, replace "3,000,000" with "9,000,000"

Page 1, line 23, replace "15,000,000" with "9,000,000"

Page 2, after line 4, insert:

"SECTION 3. ADDITIONAL INCOME - APPROPRIATION. Any other income, including funds from federal acts, private grants, gifts, and donations, or from other sources received by the state fair association for the grandstand construction project in addition to the amount included in the estimated income line item in section 1 of this Act, except as otherwise provided by law, is appropriated for the grandstand construction project, for the biennium beginning July 1, 2009, and ending June 30, 2011."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98028.0202 FN 2

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 failed to pass unchanged: SB 2442.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SCR 4030.

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

MR. SPEAKER: The Senate concurred in the House amendments and passed: SB 2041, SB 2121, and SCR 4021.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2001, SB 2002, SB 2003, SB 2006, SB 2008, SB 2011, SB 2013, SB 2015, SB 2017, SB 2020, SB 2021, SB 2023, SB 2030, SB 2075, SB 2162, SB 2225, SB 2332, and SB 2333 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2001: Sens. Christmann; Holmberg; Seymour
SB 2002: Sens. Christmann; Kilzer; Warner
SB 2003: Sens. Holmberg; Krebsbach; Robinson
SB 2006: Sens. Krebsbach; Bowman; Seymour
SB 2008: Sens. Krebsbach; Bowman; Seymour
SB 2011: Sens. Wardner; Krebsbach; Warner
SB 2013: Sens. Wardner; Grindberg; Mathern
SB 2015: Sens. Fischer; Christmann; Krauter
SB 2017: Sens. Wardner; Holmberg; Seymour
SB 2020: Sens. Bowman; Holmberg; Lindaas
SB 2021: Sens. Christmann; Fischer; Robinson
SB 2023: Sens. Christmann; Kilzer; Warner
SB 2030: Sens. Grindberg; Krebsbach; Krauter
SB 2075: Sens. Kilzer; Bowman; Mathern
SB 2162: Sens. Dever; Erbele; Pomeroy
SB 2225: Sens. Erbele; Dever; Heckaman
SB 2332: Sens. Dever; J. Lee; Robinson
SB 2333: Sens. J. Lee; Krebsbach; Heckaman

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

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

SB 2059: Reps. Sukut; Ruby; Gruchalla
SB 2110: Reps. Nottestad; N. Johnson; Amerman

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1112, HB 1175, HB 1286, HB 1333, HB 1370, HB 1459, and HB 1496.

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 1001: Sens. Holmberg; Kilzer; Mathern
HB 1002: Sens. Krebsbach; Kilzer; Warner
HB 1003: Sens. Kilzer; Holmberg; Warner
HB 1004: Sens. Wardner; Bowman; Krauter
HB 1005: Sens. Fischer; Grindberg; Robinson
HB 1006: Sens. Wardner; Bowman; Krauter
HB 1007: Sens. Christmann; Kilzer; Krauter
HB 1008: Sens. Christmann; Kilzer; Warner
HB 1009: Sens. Bowman; Fischer; Krauter
HB 1010: Sens. Grindberg; Wardner; Krauter
HB 1011: Sens. Bowman; Krebsbach; Mathern
HB 1013: Sens. Holmberg; Wardner; Robinson
HB 1014: Sens. Grindberg; Krebsbach; Seymour
HB 1016: Sens. Grindberg; Wardner; Lindaas
HB 1017: Sens. Christmann; Grindberg; Krauter
HB 1019: Sens. Krebsbach; Bowman; Seymour
HB 1021: Sens. Wardner; Krebsbach; Lindaas
HB 1022: Sens. Krebsbach; Wardner; Seymour
HB 1040: Sens. Nething; Lyson; Fiebiger
HB 1116: Sens. J. Lee; Erbele; Marcellais

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 1053: Sens. Olafson; Andrist; Bakke
HB 1057: Sens. Dever; Cook; Horne
HB 1073: Sens. Klein; Nodland; Horne
HB 1216: Sens. Lyson; Freborg; Schneider
HB 1269: Sens. Dever; J. Lee; Pomeroy
HB 1305: Sens. Fischer; Holmberg; Lindaas
HB 1377: Sens. Fischer; Holmberg; Robinson
HB 1412: Sens. Cook; Miller; Anderson
HB 1436: Sens. Cook; Dever; Horne
HB 1481: Sens. Grindberg; Fischer; Krauter
HB 1489: Sens. Oehlke; Miller; Dotzenrod
HB 1490: Sens. Dever; Oehlke; Nelson
HB 1509: Sens. Hogue; Erbele; Schneider
HB 1510: Sens. Wanzek; Nodland; Horne
HB 1554: Sens. Cook; Dever; Nelson
HCR3019: Sens. Hogue; Oehlke; Triplett
HCR3054: Sens. Hogue; Oehlke; Triplett

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

MR. SPEAKER: The President has appointed Sen. Fischer to replace Sen. Holmberg on the Conference Committee on SB 2010.

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

MR. SPEAKER: The President has appointed Sen. Lindaas to replace Sen. Seymour on the Conference Committee on SB 2010.

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

MR. SPEAKER: The President has appointed Sen. Wardner to replace Sen. Bowman for the Sixty-sixth and Sixty-seventh legislative days on the Conference Committee on SB 2007.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1162.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1112, HB 1175, HB 1286, HB 1333, HB 1370, HB 1459, HB 1496.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 12:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Dalrymple presiding.

MOTION

SEN. CHRISTMANN MOVED that SB 2038, SB 2024, and SB 2014 be placed at the top of the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2038 as printed on SJ pages 1350-1351 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 2038: Sens. Flakoll, G. Lee, Bakke.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to SB 2024 as printed on SJ pages 1339-1350 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 2024: Sens. Fischer, Grindberg, Seymour.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2014 as printed on SJ pages 1330-1333 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 2014: Sens. Wardner, Christmann, Krauter.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FLAKOLL MOVED that the Senate do concur in the House amendments to Engrossed SB 2129 as printed on SJ pages 890-891, which motion prevailed on a voice vote.

Engrossed SB 2129, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2129: A BILL for an Act to create and enact a new section to chapter 54-63 of the North Dakota Century Code, relating to definitions; to amend and reenact subsection 5 of section 54-44.4-02, subsection 2 of section 54-60.1-01, and sections 54-63-01 and 54-63-03 of the North Dakota Century Code, relating to the renewable energy program; and to repeal sections 54-17-38 and 54-17-39 of the North Dakota Century Code, relating to the biomass incentive and research program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Christmann; O'Connell

ABSENT AND NOT VOTING: Bowman

Reengrossed SB 2129 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. ANDRIST MOVED that the Senate do concur in the House amendments to SB 2191 as printed on SJ page 952, which motion prevailed on a voice vote.

SB 2191, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2191: A BILL for an Act to amend and reenact subsection 23 of section 40-05-02 of the North Dakota Century Code, relating to a city lien on unfit property.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2191 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to SB 2234 as printed on SJ page 892, which motion prevailed on a voice vote.

SB 2234, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2234: A BILL for an Act to amend and reenact section 47-19-02 of the North Dakota Century Code, relating to recording instruments without acknowledgement.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2234 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. ANDRIST MOVED that the Senate do concur in the House amendments to SB 2256 as printed on SJ page 977, which motion prevailed on a voice vote.

SB 2256, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2256: A BILL for an Act to amend and reenact section 32-12.2-13 of the North Dakota Century Code, relating to contracts between the state and a political subdivision; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2256 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. CHRISTMANN MOVED that the order of the conferees on HB 1188 be Sen. Hogue, Sen. Triplett, Sen. Schneider, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the order of the conferees on HB 1449 be Sen. Hogue, Sen. Erbele, Sen. Triplett, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that for the Sixty-seventh legislative day Sen. Heckaman replace Sen. Marcellais on the Conference Committee on SB 2097, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that for the Sixty-seventh legislative day Sen. Pomeroy replace Sen. Marcellais on the Conference Committee for HB 1437, which motion prevailed.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4034, SCR 4036.

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

MR. PRESIDENT: The House has amended and subsequently passed: SCR 4035.

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4035

Page 1, line 16, after "tributaries" insert ", excluding the Souris Basin,"

Page 2, line 11, remove the third "the"

Page 2, line 12, replace the first "of" with "selected by the Governors of the states of Minnesota, North Dakota, and South Dakota with" and after the second "members" insert ", four from Minnesota, four from North Dakota, and one from South Dakota"

Page 2, line 14, replace "President to consider recommendations from public officials such as the governors" with "Governors to select the board members representing"

Page 2, line 15, remove "of the states of Minnesota, North Dakota, and South Dakota,"

Renumber accordingly

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

MR. SPEAKER: The Senate has concurred in the House amendments and passed: SB 2129, SB 2191, SB 2234, and SB 2256.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2014, SB 2024, and SB 2038 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2014: Sens. Wardner; Christmann; Krauter

SB 2024: Sens. Fischer; Grindberg; Seymour

SB 2038: Sens. Flakoll; G. Lee; Bakke

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1418, HB 1487, HB 1549, and HCR 3014.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently failed to pass: HB 1543.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1012 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1012: Reps. Pollert; Bellew; Ekstrom

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

MR. SPEAKER: The President has appointed Sen. Heckaman to replace Sen. Marcellais for the Sixty-seventh legislative day on the Conference Committee on SB 2097.

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

MR. SPEAKER: The President has appointed Sen. Pomeroy to replace Sen. Marcellais for the Sixty-seventh legislative day on the Conference Committee on HB 1437.

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 1202, HB 1301, HB 1308, HB 1329.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2035, SB 2040, SB 2041, SB 2042, SB 2089, SB 2090, SB 2099, SB 2112, SB 2121, SB 2216, SB 2222, SB 2224, SB 2239, SB 2247, SB 2305, SB 2317, SB 2342, SB 2350, SB 2352, SB 2394, SB 2404, SB 2413, SB 2417, SB 2431, SB 2432, SB 2433, SCR 4008, SCR 4016, SCR 4020, SCR 4021.

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

MR. SPEAKER: The President has signed: HB 1074, HB 1082, HB 1166, HB 1204, HB 1237, HB 1238, HB 1266, HB 1342, HB 1361, HB 1391, HB 1392, HB 1401, HB 1433, HB 1438, HB 1448, HB 1458, HB 1461, HB 1472, HB 1514, HB 1534, HB 1561, HB 1573, HB 1577, HCR 3021, HCR 3030, HCR 3039, HCR 3045, HCR 3065.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 4:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Dalrymple presiding.

MOTION

SEN. CHRISTMANN MOVED that Sen. Hogue replace Sen. Cook on the Conference Committee on SB 2373, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that HB 1110, HB 1253, HB 1478, and HB 1551 be placed at the top of the Twelfth order, which motion prevailed.

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 1110, Engrossed HB 1253, Reengrossed HB 1478, and HB 1551, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1110: Sens. Wanzek, Flakoll, Heckaman

Engrossed HB 1253: Sens. Lyson, Erbele, Pomeroy

Reengrossed HB 1478: Sens. J. Lee, Fischer, Heckaman

HB 1551: Sens. Nething, Lyson, Nelson

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2176 as printed on SJ page 907, which motion prevailed on a voice vote.

Engrossed SB 2176, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2176: A BILL for an Act to amend and reenact section 47-16-18 of the North Dakota Century Code, relating to the termination of a lease by death.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Holmberg; Lyson

Reengrossed SB 2176 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LYSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2336 as printed on SJ page 1208, which motion prevailed on a voice vote.

Engrossed SB 2336, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2336: A BILL for an Act to amend and reenact section 54-35-02.7 of the North Dakota Century Code, relating to the creation of a legislative overview committee for water-related topics; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Holmberg

Reengrossed SB 2336 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do concur in the House amendments to Engrossed SB 2419 as printed on SJ pages 708-709, which motion prevailed on a voice vote.

Engrossed SB 2419, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2419: A BILL for an Act to amend and reenact subdivision b of subsection 2 of section 65-05.1-06.1 of the North Dakota Century Code, relating to workers' compensation vocational rehabilitation awards; and to provide for application.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bowman

Reengrossed SB 2419 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that Sen. Warner replace Sen. Heckaman on the Conference Committee on SB 2266, which motion prevailed.

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

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

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

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

HB 1110: Sens. Wanzek; Flakoll; Heckaman

HB 1253: Sens. Lyson; Erbele; Pomeroy

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

HB 1551: Sens. Nething; Lyson; Nelson

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

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

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

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

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, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Friday, April 17, 2009, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

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

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

REPORT OF CONFERENCE COMMITTEE

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

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

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

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

Page 2, line 13, after the colon insert:

"8."

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

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

Page 3, line 5, remove "battery or"

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

Renumber accordingly

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

REPORT OF CONFERENCE COMMITTEE

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

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

REPORT OF CONFERENCE COMMITTEE

HB 1202: Your conference committee (Sens. Wanzek, Andrist, Horne and Reps. Vigasaa, Keiser, Schneider) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 939-940 and place HB 1202 on the Seventh order.

HB 1202 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1301, as engrossed: Your conference committee (Sens. Nodland, Andrist, Horne and Reps. Nottestad, Ruby, Gruchalla) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1087-1089 and place HB 1301 on the Seventh order.

Engrossed HB 1301 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1308, as engrossed: Your conference committee (Sens. Wanzek, Klein, Behm and Reps. Hatlestad, Kingsbury, Griffin) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1086 and place HB 1308 on the Seventh order.

Engrossed HB 1308 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1329: Your conference committee (Sens. Erbele, Dever, Pomeroy and Reps. Weisz, Nathe, Conklin) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 956-957, adopt further amendments as follows, and place HB 1329 on the Seventh order:

That the House accede to the Senate amendments as printed on pages 956 and 957 of the House Journal and page 739 of the Senate Journal and that House Bill No. 1329 be further amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new subsection to section 14-09-09.3 of the North Dakota Century Code, relating to the duties and liabilities of an income payer;"

Page 1, after line 3, insert:

"SECTION 1. A new subsection to section 14-09-09.3 of the North Dakota Century Code is created and enacted as follows:

If an income payer makes an error in the remittal information the income payer provides to the state disbursement unit, the income payer has not complied with this section and is responsible for the error, but has a cause of action for reimbursement against any person that receives funds from the disbursement unit as a result of the error and refuses to return the funds upon request."

Renumber accordingly

HB 1329 was placed on the Seventh order of business on the calendar.

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

Fran A. Gronberg, Secretary

