

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, February 6, 2009

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

The prayer was offered by Pastor Bob Allen, Shiloh Evangelical Free Church, West Fargo.

The roll was called and all members were present except Representatives Schneider and Svedjan.

A quorum was declared by the Speaker.

POINT OF PERSONAL PRIVILEGE

REP. SKARPHOL: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

On Wednesday of this week the Ray High School LifeSmart team repeated as state champions in the competition hosted by the Attorney General's Office.

As state champions, the Ray Jays will compete in the national LifeSmarts competition in St. Louis, Missouri, April 25-28, 2009. The champion team members are: Brian Viall (Captain), Samantha Heier, Daniel Johnson, Matt Perdue, and LeAndra Reinholdt, led by Coach Bernadette Perdue. Teens from across the state first competed online for a chance to advance to the state championship; eleven teams from nine North Dakota high schools qualified for the state championship event. The teams battled through ten elimination rounds before the top three teams advanced to the final round. Students answered questions in five subject areas - personal finance, health and safety, the environment, technology, and consumer rights and responsibilities.

MOTION

REP. VIGESAA MOVED that the remarks of Rep. Skarphol be printed in the Journal, which motion prevailed.

FIRST READING OF SENATE CONCURRENT MEMORIAL RESOLUTION

SRM 8501: A concurrent memorial resolution extending sympathy and condolences of the North Dakota Legislative Assembly to the family of the University of North Dakota President Emeritus Thomas J. Clifford.

Was read the first time.

MOTION

REP. VIGESAA MOVED that the rules be suspended, that SRM 8501 not be referred to committee, but be read in its entirety, be printed in the Journal and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. Holmberg, Nething, Triplett and Reps. Glassheim, Martinson, Svedjan introduced:

SENATE CONCURRENT MEMORIAL RESOLUTION NO. 8501

A concurrent memorial resolution extending sympathy and condolences of the North Dakota Legislative Assembly to the family of the University of North Dakota President Emeritus Thomas J. Clifford.

WHEREAS, God in His infinite wisdom has summoned to His side Dr. Thomas J. Clifford on February 4, 2009; and

WHEREAS, Dr. Clifford, a native of Langdon, was affiliated with the University of North Dakota for 70 years as a student, faculty member, business dean, vice president, president, and distinguished alumnus; and

WHEREAS, Dr. Clifford was the first native North Dakotan to serve as president of the University of North Dakota, and the second University of North Dakota alumnus to achieve presidency of his alma mater serving as the eighth president from 1971 until 1992, being recognized as one of the most effective university presidents in the nation in 1986; and

WHEREAS, under Dr. Clifford's leadership, the University of North Dakota evolved into the largest and most comprehensive university in a five-state region: North Dakota, South Dakota, Montana, Wyoming, and Idaho; and several nationally ranked programs were developed under his leadership including a four-year medical school, the Energy and

Environmental Research Center, the Center for Innovation, and John D. Odegard School of Aerospace Sciences; and

WHEREAS, Dr. Clifford, after being the longest serving president of the University of North Dakota, became the first chancellor of the North Dakota University System; and

WHEREAS, Dr. Clifford played a key role in facilitating one of the nation's largest gifts to a public university, resulting in the Ralph Engelstad Arena, the finest college hockey facility in the world; and

WHEREAS, Dr. Clifford was held in the highest esteem for his entrepreneurial spirit; leadership and service to his community, state, and nation; and his numerous accomplishments in public and private life reflected his leadership, compassion, and commitment to others to achieve and rise to their potential; and

WHEREAS, Dr. Clifford was the recipient of numerous awards and accolades, including the Sioux Award in 1982 and an Honorary Doctorate of Laws degree from the University of North Dakota in 2000 and was inducted into the North Dakota Roughrider Hall of Fame in 2002; and

WHEREAS, North Dakota and the world lost a unique leader and icon who left an indelible mark upon his state and university and the lives of all those who knew him;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the members of the Sixty-first Legislative Assembly honor Dr. Thomas J. Clifford, pay tribute to his remarkable legacy, extend and offer our sympathy and sincere condolences to his family on behalf of all the citizens of the state of North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State present an enrolled copy of this resolution to Dr. Clifford's wife Gayle Clifford and the families of Dr. Clifford and Gayle Clifford.

SECOND READING OF SENATE CONCURRENT MEMORIAL RESOLUTION

SRM 8501: A concurrent memorial resolution extending sympathy and condolences of the North Dakota Legislative Assembly to the family of the University of North Dakota President Emeritus Thomas J. Clifford.

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

SRM 8501 was declared adopted on a voice vote.

MOTION

REP. VIGESAA MOVED that SCR 8501 be messaged to the Senate immediately, which motion prevailed.

PROCLAMATION RONALD REAGAN DAY February 6, 2009

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, governor of California and president of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States; the second of which he earned the confidence of 3/5 of the electorate and was victorious in 49 of the 50 states in the general election - a record unsurpassed in the history of American presidential elections; and

WHEREAS, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, during Mr. Reagan's presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our Armed Forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's Armed Forces to meet 21st Century challenges; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people.

NOW, THEREFORE, As Governor of the State of North Dakota, I do hereby proclaim February 6, 2009, **RONALD REAGAN DAY** in the state of North Dakota, in honor of the 98th anniversary of his birth.

John Hoeven
Governor

MOTION

REP. VIGESAA MOVED that HB 1574, which is on the Sixth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1574 was rereferred.

MOTION

REP. VIGESAA MOVED that HB 1279 and HB 1430 be laid over two legislative days, which motion prevailed.

MOTION

REP. VIGESAA MOVED that Rule 329, which states that all bills with fiscal notes that require rereferral to Appropriations by the 23rd legislative day be suspended for House Bills HB 1057, HB 1225, HB 1230, HB 1243, HB 1255, HB 1276, HB 1279, HB 1304, HB 1317, HB 1327, HB 1335, HB 1357, HB 1425, HB 1434, HB 1469, HB 1477, HB 1496, HB 1498, HB 1540, HB 1556, and HB 1571, which motion prevailed.

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to HB 1037, HB 1066, HB 1180, HB 1203, HB 1205, HB 1225, HB 1230, HB 1249, HB 1255, HB 1276, HB 1304, HB 1312, HB 1314, HB 1327, HB 1357, HB 1384, HB 1388, HB 1392, HB 1404, HB 1429, HB 1435, HB 1460, HB 1461, HB 1477, HB 1489, HB 1497, HB 1506, HB 1507, HB 1516, HB 1525, HB 1533, HB 1538, HB 1545, HB 1556, HB 1561, HB 1571, and HB 1576.

HB 1225, HB 1230, HB 1255, HB 1276, HB 1304, HB 1327, HB 1357, HB 1477, HB 1556, and HB 1571, as amended, were rereferred to the **Appropriations Committee**.

HB 1037, HB 1066, HB 1180, HB 1203, HB 1205, HB 1249, HB 1312, HB 1314, HB 1384, HB 1388, HB 1392, HB 1404, HB 1429, HB 1435, HB 1460, HB 1461, HB 1489, HB 1497, HB 1506, HB 1507, HB 1516, HB 1525, HB 1533, HB 1538, HB 1545, HB 1561, and HB 1576, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGESAA MOVED that HB 1434, which is on the Eleventh order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1434 was rereferred.

MOTION

REP. VIGESAA MOVED that HB 1046 and HB 1408 be moved to the bottom of the calendar, which motion prevailed.

MOTION

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

SECOND READING OF HOUSE BILL

HB 1265: A BILL for an Act to amend and reenact subdivision j of subsection 1 of section 57-15-14.2 and section 57-15-17.1 of the North Dakota Century Code, relating to school district tax levies to provide for a transfer; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 76 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Berg; Boe; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Drovdal; Ekstrom; Frantsvog; Froelich; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Heller; Hofstad; Holman; Hunskor;

Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Skarphol; Sukut; Uglem; Vig; Vigasaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

NAYS: Bellew; Belter; Boehning; Delzer; Dosch; Froseth; Grande; Headland; Kasper; Kempenich; Nathe; Pollert; Thoreson; Thorpe; Weiler; Wrangham

ABSENT AND NOT VOTING: Schneider; Svedjan

Engrossed HB 1265 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1402: A BILL for an Act to amend and reenact section 4-28-07.1 of the North Dakota Century Code or in the alternative to amend and reenact section 4.1-13-15 of the North Dakota Century Code, relating to the wheat assessment; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Delzer; Drovdal; Grande; Kasper; Kelsch, R.; Porter; Skarphol; Thoreson; Wrangham

ABSENT AND NOT VOTING: Schneider; Svedjan

Engrossed HB 1402 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1508: A BILL for an Act to provide for the establishment of the North Dakota family financial security program; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 28 YEAS, 64 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Boe; Boucher; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Gruchalla; Hanson; Hawken; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mock; Mueller; Onstad; Pinkerton; Ruby; Schmidt; Thorpe; Vig; Winrich; Wolf; Zaiser

NAYS: Amerman; Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsovog; Froseth; Grande; Griffin; Hatlestad; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Meyer, S.; Myxter; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Potter; Rust; Schatz; Skarphol; Sukut; Thoreson; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Schneider; Svedjan

Engrossed HB 1508 lost.

SECOND READING OF HOUSE BILL

HB 1549: A BILL for an Act to amend and reenact section 4-41-02 of the North Dakota Century Code, relating to industrial hemp.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Delzer; Kasper; Thoreson

ABSENT AND NOT VOTING: Schneider; Svedjan

Engrossed HB 1549 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1065: A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to a department of commerce program to market to out-of-state students; 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 NOT PASS, the roll was called and there were 18 YEAS, 74 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Boucher; Conrad; Ekstrom; Glassheim; Griffin; Gruchalla; Holman; Hunskor; Kaldor; Kelsh, S.; Kerzman; Nottestad; Pinkerton; Potter; Schmidt; Thorpe; Winrich; Wolf

NAYS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Frantsvog; Froelich; Froseth; Grande; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Onstad; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Schneider; Svedjan

HB 1065 lost.

SECOND READING OF HOUSE BILL

HB 1283: A BILL for an Act to amend and reenact subsection 8 of section 44-04-17.1 of the North Dakota Century Code, relating to the definition of a meeting.

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 21 YEAS, 71 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Boe; Clark; Damschen; DeKrey; Delzer; Gruchalla; Headland; Kelsch, R.; Kempenich; Nottestad; Porter; Ruby; Schatz; Thoreson; Wald; Weisz; Wieland; Wrangham; Speaker Monson

NAYS: Amerman; Berg; Boehning; Boucher; Brandenburg; Carlson; Conklin; Conrad; Dahl; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Hanson; Hatlestad; Hawken; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Onstad; Pietsch; Pinkerton; Pollert; Potter; Rust; Schmidt; Skarphol; Sukut; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Williams; Winrich; Wolf; Zaiser

ABSENT AND NOT VOTING: Schneider; Svedjan

HB 1283 lost.

SECOND READING OF HOUSE BILL

HB 1285: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to limiting participation by state officers and employees in closed meetings of national, regional, or state associations.

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 16 YEAS, 76 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Boe; Damschen; Drovdal; Froseth; Gruchalla; Johnson, N.; Keiser; Kempenich; Klemin; Nelson; Nottestad; Ruby; Vigesaa; Wald; Wrangham

NAYS: Amerman; Bellew; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; DeKrey; Delmore; Delzer; Dosch; Ekstrom; Frantsvog; Froelich; Glassheim; Grande; Griffin; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Rust; Schatz; Schmidt; Skarphol; Sukut; Thoreson; Thorpe; Uglem; Vig; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Schneider; Svedjan

HB 1285 lost.

SECOND READING OF HOUSE BILL

HB 1333: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 27-20-03 of the North Dakota Century Code, relating to the jurisdiction of the juvenile court.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Ekstrom; Schneider; Svedjan

HB 1333 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1494: A BILL for an Act to provide a supplemental appropriation to school districts with increasing student enrollments.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 83 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Boehning; Drovdal; Hawken; Keiser; Koppelman; Myxter; Pietsch; Wieland

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

ABSENT AND NOT VOTING: Schneider; Svedjan

HB 1494 lost.

SECOND READING OF HOUSE BILL

HB 1565: A BILL for an Act to provide appropriations for property tax relief allocations and state school aid grant increases.

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 4 YEAS, 88 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Griffin; Pinkerton; Vig; Zaiser

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

ABSENT AND NOT VOTING: Schneider; Svedjan

HB 1565 lost.

SECOND READING OF HOUSE BILL

HB 1184: A BILL for an Act to amend and reenact subsection 1 of section 51-31-04 of the North Dakota Century Code, relating to law enforcement reports for individuals who are the victims of identity theft.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Schneider; Svedjan

Engrossed HB 1184 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1288: A BILL for an Act to amend and reenact sections 12.1-08-11, 20.1-02-14.1, and 29-05-31 and subsection 5 of section 39-06.1-03 of the North Dakota Century Code, relating to complaint and summons procedures and administrative hearing appeals; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Schneider; Svedjan

Engrossed HB 1288 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1309: A BILL for an Act to provide for a legislative council study of the Interstate Compact on Educational Opportunity for Military Children.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Schneider; Svedjan

Engrossed HB 1309 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1085: A BILL for an Act to amend and reenact section 57-38-01.24 and subsection 2 of section 57-38-01.25 of the North Dakota Century Code, relating to an income tax employment tax credit for employment of apprentices and the workforce recruitment income tax credit; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 34 YEAS, 57 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Boucher; Conklin; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Hanson; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Onstad; Pinkerton; Potter; Schmidt; Thorpe; Vig; Winrich; Wolf; Zaiser

NAYS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovda; Frantsvog; Froseth; Grande; Hatlestad; Hawken; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Thoreson; Uglem; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Schneider; Svedjan; Wald

HB 1085 lost.

SECOND READING OF HOUSE BILL

HB 1190: A BILL for an Act to amend and reenact subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for charitable contributions to nonprofit private institutions of higher education or secondary education; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 38 YEAS, 53 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Brandenburg; Clark; Dahl; Dosch; Hanson; Hawken; Headland; Heller; Holman; Hunskor; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kerzman; Klein; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Nelson; Pietsch; Pollert; Porter; Ruby; Thoreson; Wald; Weiler; Wieland; Williams

NAYS: Amerman; Boe; Boehning; Boucher; Carlson; Conklin; Conrad; Damschen; DeKrey; Delmore; Delzer; Drovda; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hatlestad; Hofstad; Johnson, D.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kreidt; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nottestad; Onstad; Pinkerton; Potter; Rust; Schatz; Schmidt; Skarphol; Sukut; Thorpe; Uglem; Vig; Vigasaa; Wall; Weisz; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Kingsbury; Schneider; Svedjan

HB 1190 lost.

SECOND READING OF HOUSE BILL

HB 1241: A BILL for an Act to amend and reenact section 57-12-09 of the North Dakota Century Code, relating to notice of increased assessment for property tax purposes.

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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Amerman; Kingsbury; Koppelman; Schneider; Svedjan

HB 1241 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1334: A BILL for an Act to amend and reenact subsection 7 of section 12.1-32-15 of the North Dakota Century Code, relating to sexual offender registration.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Schneider; Svedjan; Thorpe

HB 1334 passed and the title was agreed to.

MOTION

REP. VIGESAA MOVED that the House stand in recess until 2:20 p.m., which motion prevailed.

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

SECOND READING OF HOUSE BILL

HB 1372: A BILL for an Act to create and enact a new section to chapter 14-15 of the North Dakota Century Code, relating to adoption assessment costs.

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 43 YEAS, 49 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Boucher; Clark; Conklin; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Grande; Griffin; Gruchalla; Hawken; Hunskor; Kaldor; Karls; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Onstad; Pinkerton; Rust; Schmidt; Thoreson; Thorpe; Vig; Wald; Williams; Winrich; Wolf; Zaiser

NAYS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Hanson; Hatlestad; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Martinson; Nathe; Nottestad; Pietsch; Pollert; Porter; Potter; Ruby; Schatz; Skarphol; Sukut; Uglem; Vigesaa; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Schneider; Svedjan

HB 1372 lost.

SECOND READING OF HOUSE BILL

HB 1374: A BILL for an Act to create and enact a new section to chapter 43-17 of the North Dakota Century Code, relating to physician education requirements.

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

YEAS: Amerman; Ekstrom; Gruchalla; Kerzman; Metcalf; Mueller; Schmidt

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

ABSENT AND NOT VOTING: Rust; Schneider; Svedjan

HB 1374 lost.

SECOND READING OF HOUSE BILL

HB 1437: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 and a new section to chapter 43-34 of the North Dakota Century Code, relating to criminal history record checks of nursing home administrators; and to amend and reenact subsection 1 of section 43-34-02 and sections 43-34-03, 43-34-05, 43-34-11, and 43-34-12 of the North Dakota Century Code, relating to licensing of nursing home administrators.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Schneider; Svedjan

HB 1437 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1448: A BILL for an Act to create and enact subsection 9 of section 57-38-01.29 of the North Dakota Century Code, relating to the homestead income tax credit for agricultural property; to provide an effective date; and to provide an expiration 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 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Dosch; Nathe

ABSENT AND NOT VOTING: Schneider; Svedjan

HB 1448 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1500: A BILL for an Act to amend and reenact section 5-02-06 of the North Dakota Century Code, relating to individuals under twenty-one years of age serving alcoholic beverages.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Damschen; Hanson; Hunskor; Koppelman; Metcalf; Potter; Vigesaa

ABSENT AND NOT VOTING: Schneider; Svedjan

HB 1500 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1512: A BILL for an Act to create and enact a new section to chapter 57-40.3 of the North Dakota Century Code, relating to the rate of motor vehicle excise tax upon registration of a motor vehicle registered in a state without a motor vehicle excise tax; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 83 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Drovdal; Johnson, N.; Kempenich; Nottestad; Potter; Rust; Schatz; Wald

NAYS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein;

Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Onstad; Pietsch; Pinkerton; Pollert; Porter; Ruby; Schmidt; Skarphol; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Schneider; Svedjan

HB 1512 lost.

SECOND READING OF HOUSE BILL

HB 1531: A BILL for an Act to create and enact a new section to chapter 57-06 of the North Dakota Century Code, relating to a surtax on certain electricity transmission; to provide a continuing appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 88 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Froelich; Klein; Koppelman; Zaiser

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

ABSENT AND NOT VOTING: Schneider; Svedjan

HB 1531 lost.

MOTION

REP. VIGESAA MOVED that HB 1044 be moved to the bottom of the calendar, which motion prevailed.

MOTION

REP. RUBY MOVED that HB 1559 be returned to the House floor from the **Transportation Committee** for the purpose of withdrawal, which motion prevailed. Pursuant to Rep. Ruby's motion, HB 1559 was withdrawn.

REQUEST

REP. KALDOR REQUESTED the unanimous consent of the House to withdraw HB 1559. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE BILL

HB 1088: A BILL for an Act to amend and reenact subsections 1 and 5 of section 57-38-57 and subsection 1 of section 57-39.2-23 of the North Dakota Century Code, relating to the confidentiality of income tax and sales and use tax returns and return information.

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 81 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; Delmore; Dosch; Drovdal; Frantsvog; Froelich; Froseth; Glassheim; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz;

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

NAYS: DeKrey; Delzer; Ekstrom; Grande; Griffin; Gruchalla; Kelsh, S.; Koppelman; Myxter; Weisz; Wieland

ABSENT AND NOT VOTING: Schneider; Svedjan

Engrossed HB 1088 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1110: A BILL for an Act to create and enact a new chapter to title 36 of the North Dakota Century Code, relating to feral swine; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: DeKrey; Headland; Pollert; Schatz

ABSENT AND NOT VOTING: Schneider; Svedjan

Engrossed HB 1110 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1145: A BILL for an Act to create and enact a new section to chapter 43-32 of the North Dakota Century Code, relating to licensing of psychologists; to amend and reenact sections 43-32-01, 43-32-8.1, 43-32-13, 43-32-17, 43-32-20, 43-32-20.1, and 43-32-27, subsection 1 of section 43-32-27.1, and section 43-32-30 of the North Dakota Century Code, relating to licensing of psychologists and the practice of psychology; and to repeal section 43-32-19 of the North Dakota Century Code, relating to licensing of psychologists.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Delzer; Kelsch, R.; Thoreson; Wrangham

ABSENT AND NOT VOTING: Schneider; Svedjan

Engrossed HB 1145 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1186: A BILL for an Act to amend and reenact section 12.1-31-08 of the North Dakota Century Code, relating to the possession or distribution of certain photographs or other visual images; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Schneider; Svedjan

Engrossed HB 1186 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1207: A BILL for an Act to create and enact a new subsection to section 6-08.1-02 and a new section to chapter 27-13 of the North Dakota Century Code, relating to an exemption to bank confidentiality requirements for attorney trust account overdrafts and to the conduct of attorneys.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Schneider; Svedjan

Engrossed HB 1207 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1215: A BILL for an Act to create and enact a new section to chapter 23-27 of the North Dakota Century Code, relating to influenza vaccinations administered by emergency medical technicians-paramedics; and to amend and reenact section 23-27-04.4 of the North Dakota Century Code, relating to supervision of emergency medical technicians and paramedics.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Schneider; Svedjan

Engrossed HB 1215 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1253: A BILL for an Act to amend and reenact section 47-16-39.1 of the North Dakota Century Code, relating to payment of oil and gas royalties.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Schneider; Svedjan

Engrossed HB 1253 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1336: A BILL for an Act to create and enact a new section to chapter 12.1-31.2 of the North Dakota Century Code, relating to the issuance of an order prohibiting contact; to amend and reenact subsection 1 of section 29-06-15 of the North Dakota Century Code, relating to an arrest without a warrant; to repeal section 14-07.1-13 of the North Dakota Century Code, relating to an order prohibiting contact; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Schneider; Svedjan

Engrossed HB 1336 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1028: A BILL for an Act to amend and reenact section 15.1-21-02.2 of the North Dakota Century Code, relating to high school coursework requirements.

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 12 YEAS, 80 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dosch; Frantsvog; Grande; Hanson; Kerzman; Kroeber; Meier, L.; Metcalf; Mueller; Sukut; Wald; Weiler

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

ABSENT AND NOT VOTING: Schneider; Svedjan

HB 1028 lost.

SECOND READING OF HOUSE BILL

HB 1187: A BILL for an Act to create and enact a new section to chapter 47-04.1 of the North Dakota Century Code, relating to fees for common areas in condominiums.

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 4 YEAS, 88 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Boe; Delmore; Hanson; Winrich

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

ABSENT AND NOT VOTING: Schneider; Svedjan

HB 1187 lost.

SECOND READING OF HOUSE BILL

HB 1214: A BILL for an Act to authorize the department of human services to convey certain land in Walsh County, North Dakota.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad;

Hawken; Headland; Heller; Hofstad; Holman; Hunsford; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Skarphol; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Schneider; Svedjan

HB 1214 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1271: A BILL for an Act to amend and reenact sections 11-07-01, 11-07-02, 11-07-03, and 11-11-02 of the North Dakota Century Code, relating to county commissioner redistricting; and to repeal section 11-07-03.1 of the North Dakota Century Code, relating to county commissioner redistricting.

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 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Dosch

ABSENT AND NOT VOTING: Schneider; Svedjan

HB 1271 passed and the title was agreed to.

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

MR. PRESIDENT: The House has passed unchanged: SRM 8501.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1032, HB 1121, HB 1227, HB 1233, HB 1240, HB 1244, HB 1264, HB 1343, HB 1438, HB 1449.

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 2097, SB 2123, SB 2209, SB 2232, SB 2248, SB 2293, SB 2375.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Monday, February 9, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1047: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1047 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1071: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1071 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 1 of section 38-08-08 and"

Page 1, line 2, after the first "to" insert "the provisions of pooling orders and the"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 38-08-08 of the North Dakota Century Code is amended and reenacted as follows:

1. When two or more separately owned tracts are embraced within a spacing unit, or when there are separately owned interests in all or a part of the spacing unit, then the owners and royalty owners thereof may pool their interests for the development and operation of the spacing unit. In the absence of voluntary pooling, the commission upon the application of any interested person shall enter an order pooling all interests in the spacing unit for the development and operations thereof. Each such pooling order must be made after notice and hearing, and must be upon terms and conditions that are just and reasonable, and that afford to the owner of each tract or interest in the spacing unit the opportunity to recover or receive, without unnecessary expense, that owner's just and equitable share. Operations incident to the drilling of a well upon any portion of a spacing unit covered by a pooling order must be deemed, for all purposes, the conduct of such operations upon each separately owned tract in the drilling unit by the several owners thereof. That portion of the production allocated to each tract included in a spacing unit covered by a pooling order must, when produced, be deemed for all purposes to have been produced from such tract by a well drilled thereon. For the purposes of this section and section 38-08-10, any unleased mineral interest pooled by virtue of this section before August 1, 2009, is entitled to a cost-free royalty interest equal to the acreage weighted average royalty interest of the leased tracts within the spacing unit, but in no event may the royalty interest of an unleased tract be less than a one-eighth interest. An unleased mineral interest pooled after July 31, 2009, is entitled to a cost-free royalty interest equal to the acreage weighted average royalty interest of the leased tracts within the spacing unit or, at the operator's election, a cost-free royalty interest of sixteen percent. The remainder of the unleased interest must be treated as a lessee or cost-bearing interest. ~~Any unleased mineral interest pooled prior to July 1, 1983, is entitled to the cost-free royalty interest and working interest as provided in this section from and after July 1, 1983.~~

Page 2, line 3, overstrike "or" and insert immediately thereafter an underscored comma

Page 2, line 4, after "payments" insert ", or when a mineral owner cannot be located after reasonable inquiry by the operator"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1135, as engrossed: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1135 was placed on the Sixth order on the calendar.

Page 1, line 12, overstrike "three" and insert immediately thereafter "four"

Page 1, line 14, after the comma insert "one appointed by the chief information officer of the state,"

Page 2, line 7, replace "networks" with "applications for 911"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1151: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1151 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 65-03 of the North Dakota Century Code, relating to reporting requirements in safety grant programs;"

Page 1, line 2, replace the first comma with "and" and remove ", and 65-05-07.2"

Page 1, line 3, after the second comma insert "and" and remove ", and penalties applied to medical"

Page 1, line 4, remove "expense assessments"

Page 2, after line 3, insert:

"SECTION 3. A new section to chapter 65-03 of the North Dakota Century Code is created and enacted as follows:

Safety grant programs - Reporting requirements. The organization shall compile data relating to grants issued under this chapter. The organization shall report biennially to the legislative council."

Page 3, remove lines 23 through 31

Page 4, remove lines 1 through 22

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1193: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1193 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "general" with "permanent oil tax trust"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1221: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1221 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and"

Page 1, line 5, after "appropriation" insert "; and to declare an emergency"

Page 2, line 29, after the second "the" insert "disaster, emergency, or recovery"

Page 3, line 1, remove "to pay disaster and emergency response" and after the second "and" insert "to reimburse up to fifty percent of any other disaster, emergency, or recovery costs incurred by the political subdivision and not covered by the federal emergency management agency."

Page 3, remove line 2

Page 3, after line 11, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1243: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1243 was placed on the Sixth order on the calendar.

Page 1, line 8, after "a" insert "refundable"

Page 1, line 10, replace "eighteen" with "ten"

Page 1, line 12, remove "For"

Page 1, remove lines 13 through 16

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1257: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1257 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1266: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1266 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1270: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1270 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "gravel pits and"

Page 1, remove lines 8 through 23

Page 2, remove lines 1 through 4

Page 3, line 4, remove "gravel pits and"

Page 3, line 7, remove "gravel pits and", remove "sections 1 through 3 of", and replace "Act" with "chapter"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1274: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1274 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1281: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1281 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1317: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1317 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 2 of"

Page 1, line 4, replace "Section" with "Subsection 2 of section"

Page 1, replace lines 6 through 23 with:

- "2. Except as provided in subsection 3, in addition to any other tax provided by law and in place of sales or use taxes, there is imposed an excise tax of

~~four and one-half~~ three percent on the gross proceeds from the sale at retail of pull tabs and three percent on the gross proceeds from the sale at retail of bingo cards to final users. This includes pull tabs or bingo cards provided to a player in exchange for redeemed winning pull tabs or bingo cards. The tax must be paid to the attorney general when tax returns are filed."

Page 2, remove lines 1 through 18

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1321: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1321 was placed on the Sixth order on the calendar.

Page 3, line 28, remove "5."

Page 3, line 29, remove "and return envelopes" and after "entitled" insert ", and a return envelope with instructions sufficient to keep the ballots secret"

Page 3, line 30, remove "6."

Page 4, line 3, remove "7."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1322: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1322 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to provide for an energy policy commission"

Page 1, line 3, remove the first "study;"

Page 2, remove lines 24 through 31

Page 3, remove lines 1 through 10

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1323: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1323 was placed on the Sixth order on the calendar.

Page 2, line 10, replace "wishes" with "instructions"

Page 2, line 11, replace "wishes" with "instructions"

Page 2, line 12, replace "wishes" with "instructions"

Page 2, line 13, replace "wishes" with "instructions"

Page 2, line 15, replace "living will" with "health care directive"

Page 2, line 17, remove the underscored period

Page 2, remove lines 18 through 20

Page 2, line 21, remove "body in accordance with the instructions"

Page 2, line 28, after "statement" insert "must be signed and dated by the legally competent adult and"

Page 2, remove lines 29 through 31

Page 3, remove lines 1 through 3

Page 3, line 4, replace "3." with "2."

Page 3, line 5, replace "wishes" with "instructions"

Page 3, line 11, replace "4." with "3."

Page 3, line 15, replace "wishes" with "instructions"

Page 3, line 16, replace "5." with "4."

Page 3, line 17, after "reliance" insert "upon instructions of a decedent pursuant to section 23-06-03 or"

Page 3, line 18, replace "immune from criminal and" with "not subject to"

Page 3, line 19, replace "and is not subject to" with "or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1335: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1335 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1338: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1338 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to provide for a legislative council study of solid waste management, with an emphasis on the siting and zoning of landfills on a statewide or regional level while allowing adequate protection for political subdivisions and property owners."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY OF SOLID WASTE MANAGEMENT. During the 2009-10 interim, the legislative council shall consider studying solid waste management, with an emphasis on the siting and zoning of landfills on a statewide or regional level while allowing adequate protection for political subdivisions and property owners in the siting and zoning process. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1340: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1340 was placed on the Sixth order on the calendar.

Page 1, line 22, remove "1."

Page 2, line 9, replace "The process for developing such plans and programs must" with "A metropolitan planning organization is a political subdivision for purposes of chapter 54-52."

Page 2, remove lines 10 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 25

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1352: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1352 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1367: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1367 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1370: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1370 was placed on the Sixth order on the calendar.

Page 1, line 2, after "interests" insert "; and to provide a penalty"

Page 2, line 26, after "**claim**" insert "**- Penalty**" and after the second boldfaced period insert:

"1."

Page 2, line 28, overstrike "the owner of", remove "record of", overstrike "the mineral interest", and remove "at the time of the first publication"

Page 2, line 29, remove "required in section 38-18.1-06", overstrike "meets", remove "one", and overstrike "of the following requirements"

Page 2, line 30, overstrike "1."

Page 3, line 1, remove "Within sixty days after first publication of the notice provided"

Page 3, remove lines 2 through 4

Page 3, line 5, overstrike "2."

Page 3, line 7, replace "Within sixty days after first publication" with:

"a. The owner of record of the mineral interest satisfies either one of the following requirements within sixty days after first publication of the notice provided for in section 38-18.1-06:

(1) Files with the county recorder a statement of claim as required in section 38-18.1-04 which is dated and notarized to confirm that the statement was signed before the first publication of notice; or

(2) Files with the county recorder documentation that at least one of the activities under subsection 1 of section 38-18.1-03 took place during the twenty-year period immediately preceding the first publication of notice.

b. A person other than the owner of record of the mineral interest files with the county recorder within sixty days after first publication of the notice provided for in section 38-18.1-06 an affidavit under oath or a declaration under oath which includes the following:

(1) An explanation of the factual and legal basis for the person's assertion of title to the mineral interest. This explanation must be accompanied by documentation supporting the assertion or an explanation why documentation is unavailable; and

(2) An explanation with supporting documentation that at least one of the activities under subsection 1 of section 38-18.1-03 took

place during the twenty-year period immediately preceding the first publication of notice.

2. A person that files a false claim under this section is guilty of a class B misdemeanor and is liable for attorney's fees in an action brought pursuant to this section."

Page 3, remove lines 8 through 13

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1379: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1379 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1399: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1399 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of American Indian bilingual education."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMERICAN INDIAN BILINGUAL EDUCATION - LEGISLATIVE COUNCIL STUDY. During the 2009-10 interim, the legislative council shall consider studying the development of American Indian bilingual education including the development of curriculum and instructional materials, the delivery of instruction, and the support of Indian students in the maintenance of their heritage language while learning English through a bilingual approach. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1403: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1403 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of the capitol complex facility needs."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY - STATE CAPITOL GROUNDS FACILITY NEEDS. During the 2009-10 interim, the legislative council shall study the utilization of all facilities on the state capitol grounds, including an evaluation of facility needs by state agencies and a review of the capitol complex master plan. The study must include an evaluation of the short-term and long-term viability of facilities located on the capitol grounds, including the governor's residence. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1414: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1414 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1417: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1417 was placed on the Sixth order on the calendar.

Page 1, line 2, after "gas" insert ", methane, or natural gas"

Page 1, line 7, after "**gas**" insert ", **methane, or natural gas**"

Page 1, line 9, after "gas" insert ", methane, or natural gas"

Page 1, line 11, after "gas" insert ", methane, or natural gas"

Page 1, line 12, after "gas" insert ", methane, or natural gas"

Page 1, line 13, after "gas" insert ", methane, or natural gas"

Page 1, line 14, after "transporter" insert "or was completed by a person who was not qualified to repair the equipment or appliance" and remove the second "or"

Page 1, line 19, after "transporter" insert "; or

3. The use of the methane or natural gas equipment or appliance in a manner or for a purpose other than that for which the equipment or appliance was intended"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1425: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1425 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the second "and" and after "50-09-27" insert ", and 57-15-31"

Page 1, line 2, after "expense" insert "and county property tax levies"

Page 1, line 4, replace "costs" with "services" and replace "expiration" with "effective"

Page 1, line 16, after "submitted" insert "annually" and remove "in 2009"

Page 1, line 22, replace "2008" with "the previous year" and remove "The budget must include a"

Page 1, remove line 23

Page 1, line 24, remove "passed on to the property taxpayers of the county."

Page 2, line 1, remove "and recommendation"

Page 2, line 2, replace "31, 2009" with "thirty-first of each year" and after the underscored period insert:

- "3. Each affected county shall publish in the county's official newspaper the amount of tax savings incurred as a result of the implementation of this section."

Page 3, after line 6, insert:

"SECTION 4. AMENDMENT. Section 57-15-31 of the North Dakota Century Code is amended and reenacted as follows:

57-15-31. Determination of levy. The amount to be levied by any county, city, township, school district, park district, or other municipality authorized to levy taxes shall be computed by deducting from the amount of estimated expenditures for the current fiscal year as finally determined, plus the required reserve fund determined upon by the governing board from the past experience of the taxing district, the total of the following items:

1. The available surplus consisting of the free and unencumbered cash balance.
2. Estimated revenues from sources other than direct property taxes.
3. The total estimated collections from tax levies for previous years.
4. Such expenditures as are to be made from bond sources.
5. The amount of distributions received from an economic growth increment pool under section 57-15-61.
6. The estimated amount to be received from payments in lieu of taxes on a project under section 40-57.1-03.
7. The amount reported by a county under subsection 2 of section 11-23-01 relating to foster care and subsidized adoption costs paid by the state beginning August 1, 2009.

Allowance may be made for a permanent delinquency or loss in tax collection not to exceed five percent of the amount of the levy."

Page 3, replace lines 9 and 10 with:

"SECTION 6. EFFECTIVE DATE. Section 4 of this Act is effective for taxable years beginning after December 31, 2008."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1443: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1443 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1453: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1453 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "waiver" with "incentive"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1454: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1454 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1455: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1455 was placed on the Sixth order on the calendar.

Page 1, line 11, after "receive" insert "no more than six months of"

Page 1, line 13, after the underscored period insert "A surviving spouse is eligible for benefits under this section if the organization approved the decedent for home health care services and reimbursed the surviving spouse for providing the home health care services. The surviving spouse is not eligible for benefits under this section if the surviving spouse is eligible for benefits under section 65-05-16."

Page 1, line 15, after "to" insert "surviving spouses of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1463: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1463 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "five" with "three"

Page 1, line 2, after the semicolon insert "to provide for a report to the legislative council;"

Page 1, line 20, replace "sixteen" with "seventeen"

Page 2, line 6, replace "at" with "twice"

Page 2, line 7, remove "least four times" and after the underscored period insert "The meetings must be conducted using audioconferencing or videoconferencing facilities available in state agencies, institutions of higher education, school districts, or other political subdivisions."

Page 2, remove lines 8 through 22

Page 2, line 31, after the underscored period insert "The council shall provide a report and any recommendations to the legislative council before September 1, 2010."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1464: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1464 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "section 54-12-08,"

Page 1, line 3, remove "65-02-06,"

Page 1, line 5, remove "attorney general representation of workforce safety and insurance,"

Page 1, line 7, remove the second "and"

Page 1, line 9, after "authority" insert "; and to declare an emergency"

Page 1, remove lines 11 through 24

Page 2, remove lines 1 through 20

Page 4, line 1, replace "Before July first of the first year of each biennium, the" with "The"

Page 4, line 2, after "hearings" insert "not later than the first day of December of each odd-numbered year"

Page 6, line 13, overstrike "The organization may"

Page 6, overstrike lines 14 through 17

Page 8, replace lines 7 through 17 with:

- "4. Provide annual, formal recommendations to the governor regarding setting premium levels and providing premium dividend distributions.
5. Provide formal recommendations to the governor regarding legislation that affect the organization.
6. Provide formal recommendations to the governor regarding the fund's investment allocation."

Page 11, after line 22, insert:

"SECTION 14. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1466: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1466 was placed on the Sixth order on the calendar.

Page 1, line 3, after "57-51-15" insert "and section 57-62-03"

Page 1, line 4, after "remediation" insert "and elimination of the energy development impact office; to repeal sections 57-62-03.1, 57-62-04, 57-62-05, and 57-62-06 of the North Dakota Century Code, relating to elimination of the energy development impact office"

Page 2, line 7, replace "energy development impact office" with "North Dakota association of oil-producing counties"

Page 2, line 23, replace "remediation commission" with "grant"

Page 2, line 24, replace "remediation" with "grant"

Page 2, line 25, remove the first "commission"

Page 2, line 29, replace "remediation commission" with "grant"

Page 3, line 10, replace "six" with "twenty" and after "dollars" insert "per biennium"

Page 3, line 13, remove "and deposit the remaining revenues in the oil and gas"

Page 3, line 14, remove "impact remediation commission fund", overstrike the comma, and remove "sixty-six"

Page 3, line 15, remove "and two-thirds percent of the"

Page 3, after line 16, insert:

"SECTION 3. AMENDMENT. Section 57-62-03 of the North Dakota Century Code is amended and reenacted as follows:

57-62-03. Loans - Terms and conditions - Repayment. The board of university and school lands is authorized to make loans to coal development-impacted counties, cities, and school districts before or after the beginning of actual coal mining from moneys deposited in the coal development trust fund established by subsection 2 of section 57-62-02. Loans made prior to actual mining must be preceded by site permitting and by beginning actual construction of the mine or its mine mouth facility. Loans may be made for any purpose for which a grant ~~may be~~ could have been made pursuant to this chapter; ~~but before making any loan the board of university and school lands shall receive the recommendation of the energy development impact office before August 1, 2009.~~ The board of university and school lands shall prescribe the terms and conditions of such loans within the provisions of this chapter and shall require a warrant executed by the governing body of the county, city, or school district as evidence of such loan. The warrants must bear interest at a rate not to exceed six percent. The warrants shall be payable only from the allocations of moneys from the coal development fund to the borrowing county, city, or school district and shall not constitute a general obligation of the county, city, or school district nor may such loans be considered as indebtedness of the county, city, or school district. Loans made in advance of actual coal mining must provide that repayment is to begin when the borrowing county, city, or school district receives allocations from the coal development fund. The terms of the loan must provide that not less than ten percent of each allocation made to the borrowing county, city, or school district pursuant to this chapter must be withheld by the state treasurer to repay the principal of the warrants and the interest thereon. The amount withheld by the state treasurer as payment of interest must be deposited in the general fund and the amount withheld by the state treasurer as payment of principal must be remitted to the board of university and school lands and deposited by the board in the trust fund provided for in subsection 2 of section 57-62-02. The warrants executed by the county, city, or school district have all of the qualities and incidents of negotiable paper and are not subject to taxation by the state of North Dakota or by any political subdivision thereof.

The board of university and school lands is authorized to sell such warrants to other parties and the proceeds of such sale which constitute principal must be deposited in the coal development trust fund and that which constitutes interest in the general fund. If the future allocations of moneys to the borrowing county, city, or school district should, for any reason, permanently cease, the loan shall be canceled except that if the county, city, or school district is merged with another county, city, or school district which receives an allocation of moneys from the coal development fund, the surviving county, city, or school district is obligated to repay the loan from such allocation. If the loan is canceled due to the permanent cessation of allocations of moneys to the county, city, or school district pursuant to this chapter, the board of university and school lands shall cancel those warrants it holds from such county, city, or school district and shall pay from any moneys in the trust fund provided for in subsection 2 of section 57-62-02 the principal and interest, as it becomes due, on those warrants of the county, city, or school district which are held by another party.

SECTION 4. REPEAL. Sections 57-62-03.1, 57-62-04, 57-62-05, and 57-62-06 of the North Dakota Century Code are repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1472: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1472 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1476: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1476 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1480: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1480 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1498: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1498 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "; and to provide an application"

Page 1, line 10, replace "eighty" with "sixty"

Page 1, line 11, replace "eighty" with "sixty"

Page 2, remove lines 6 through 10

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1504: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1504 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1510: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1510 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "justifiable cause for the refusal" with "reasons for nonselection"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1518: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and

BE REREFERRED to the **Appropriations Committee** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1518 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "57-34-05" insert "and 57-34-06"

Page 1, line 12, overstrike "The tax commissioner shall allocate moneys in the" and insert immediately thereafter:

- "1. The tax commissioner shall allocate eight million four hundred thousand dollars of"

Page 1, line 17, after the period insert "On or before March tenth of each year, the tax commissioner shall certify for payment to the state treasurer an amount determined to be due each county. The state treasurer shall remit the certified amount to the county treasurers according to the allocation made by the tax commissioner under this section not later than March thirty-first of each year."

2. Any balance existing in the telecommunications carriers tax fund as of June first of each year must be allocated by the tax commissioner among county and township funds in the same proportion that real property taxes were levied in the preceding tax year for the county farm to market and federal aid road levy under subsection 17 of section 57-15-06.7, the county unorganized township road and bridge levy under section 57-15-22, and the civil township general fund levy under section 57-15-20. On or before June tenth of each year, the tax commissioner shall certify for payment to the state treasurer an amount determined to be due each county. The state treasurer shall remit the certified amount to the county treasurers according to the allocation made by the tax commissioner under this section not later than June thirtieth of each year."

Page 2, line 1, overstrike "On or before the first"

Page 2, overstrike lines 2 through 5 and insert immediately thereafter:

"SECTION 2. AMENDMENT. Section 57-34-06 of the North Dakota Century Code is amended and reenacted as follows:

57-34-06. Duties of county treasurer.

1. The county treasurer shall allocate taxes received under ~~this chapter~~ subsection 1 of section 57-34-05 to the state, the county, and the various taxing districts within the county according to the proportion that taxes paid by telecommunications carriers in locally assessed property taxes and taxes assessed under chapter 57-06 and this chapter in 1997 and received by the state, the county, and each currently existing taxing district in the county bears to all taxes paid by telecommunications carriers in locally assessed property taxes and taxes assessed under chapter 57-06 and this chapter in 1997 and received by the state, the county, and all taxing districts in the county.
2. The county treasurer shall allocate taxes received under subsection 2 of section 57-34-05 to county and township funds in the same proportion that real property taxes were levied in the preceding tax year for the county farm to market and federal aid road levy under subsection 17 of section 57-15-06.7, the county unorganized township road and bridge levy under section 57-15-22, and the civil township general fund levy under section 57-15-20."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1534: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1534 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 1 of"

Page 1, line 5, replace "Subsection 1 of section" with "Section"

Page 1, after line 6, insert:

"39-08-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol."

Page 1, line 7, remove "An individual is guilty of an"

Page 1, line 8, remove "offense, which is a class A misdemeanor, if that individual is convicted of" and overstrike the colon

Page 1, line 9, overstrike "a.", after "~~person~~" insert "If an individual", remove the overstrike over "~~is convicted of an~~", and remove "An"

Page 1, line 11, overstrike the semicolon and insert immediately thereafter ", the sentence under chapter 12.1-16 must be at least one year's imprisonment if the individual was an adult at the time of the offense."

Page 1, line 12, overstrike "b." and insert immediately thereafter "2.", overstrike "A", after "~~person~~" insert "If an individual", remove the overstrike over "~~is convicted of violating~~", and remove "violation of"

Page 1, line 14, overstrike "serious"

Page 1, line 15, remove "individual" and overstrike "; or"

Page 1, line 16, overstrike "c. A", remove "violation of", and overstrike "section 39-08-01 and the"

Page 1, overstrike line 17

Page 1, line 18, overstrike "another", after "individual" insert ", that individual is guilty of a class A misdemeanor and must be sentenced to at least ninety days' imprisonment if the individual was an adult at the time of the offense", and after the period insert:

- "2. ~~3. If the defendant was at least eighteen years of age at the time of the offense under chapter 12.1-16, the sentence under that chapter must be at least one year's imprisonment. If the defendant was at least eighteen years of age at the time of the violation of section 39-08-01 or 39-08-03, the sentence under either section must be at least ninety days' imprisonment. The sentence under chapter 12.1-16 or section 39-08-01 or 39-08-03 this section may not be suspended unless the court finds that manifest injustice would result from imposition of the sentence. The sentence must be served in its entirety, without benefit of parole or pardon.~~
3. ~~If the defendant was less than eighteen years of age at the time of the offense, the punishment may be in accordance with subsection 2 or chapter 27-20. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. If the finding of guilt is by jury verdict, the verdict form must indicate that the jury found the elements that create the minimum sentence.~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1540: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1540 was placed on the Sixth order on the calendar.

Page 1, line 3, after "land" insert "; and to provide an appropriation"

Page 1, line 11, overstrike "or property tax-exempt tribal trust"

Page 1, line 15, after "services" insert "costs"

Page 1, line 18, replace "food stamp" with "supplemental nutrition assistance program" and replace "quarter" with "state fiscal year"

Page 1, line 20, overstrike "Each calendar year the" and insert immediately thereafter "The" and overstrike "allocations" and insert immediately thereafter "payments"

Page 1, line 24, replace "quarter" with "state fiscal year" and overstrike "and" and insert immediately thereafter:

"c. At the end of each fiscal year the actual quarterly payments paid must be reconciled to the current year of calculation of actual direct and indirect costs as provided in subdivision a and supplemental nutrition assistance program caseload and counties must be compensated accordingly in the first quarter of the new fiscal year; and"

Page 2, line 1, overstrike "c." and insert immediately thereafter "d.", remove the overstrike over "reported", and remove "made"

Page 2, line 2, remove the overstrike over "prior to", after "August" insert "September", and remove the overstrike over "first"

Page 2, line 3, remove "within six weeks after the quarter for which the reimbursement is"

Page 2, line 4, remove "due"

Page 2, after line 4, insert:

"SECTION 2. APPROPRIATION.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,215,650, or so much of the sum as may be necessary, to the department of human services for the purpose of reimbursing the expenses of locally administered economic assistance programs in counties that contain federally recognized Indian reservation land, for the biennium beginning July 1, 2009, and ending June 30, 2011.
2. Each affected county shall reduce that county's human services budget by the amount saved by the implementation of section 1 of this Act and shall publish the property tax savings in that county's official newspaper."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1541: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1541 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1562: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1562 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "create and enact a new section to chapter 54-06 of the North Dakota" with "provide for a legislative council study of an administrative leave program for state employees to attend certain hearings or meetings."

Page 1, remove lines 2 and 3

Page 1, replace lines 5 through 18 with:

"SECTION 1. LEGISLATIVE COUNCIL STUDY - ADMINISTRATIVE LEAVE.

The legislative council shall consider studying, during the 2009-10 interim, the feasibility and desirability of an administrative leave program for use by executive branch agencies to allow employees to attend legislative hearings or meetings, grievance meetings, disciplinary hearings, labor and management meetings, negotiating sessions, or other meetings or activities jointly agreed upon by the chief administrative officer of the employing agency. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1564: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1564 was placed on the Eleventh order on the calendar.

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

Buell J. Reich, Chief Clerk